

Committee Room,
Austin, Texas, April 13, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 64, Providing for the
suspension of Joint Rule XXIII,
Has carefully compared same, and
finds it correctly enrolled.

ROLLINS, Acting Chairman.

Committee Room,
Austin, Texas, April 13, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 99, "An Act authoriz-
ing and directing the Commissioner
of the General Land Office of the
State of Texas to deed, convey, as-
sign, and/or transfer all right, title,
and interest of whatsoever class,
kind, or character directly or indi-
rectly belonging to the State of
Texas in and to that tract of land
known as the 26.5-acre Park Site
situated near Concan Post Office in
Uvalde County, Texas, to A. B. May-
hew, and declaring an emergency,"

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

FIFTY-FIRST DAY

(Friday, April 14, 1933)

The House met at 9:30 o'clock a. m.,
pursuant to adjournment, and was
called to order by Speaker Stevenson.

The roll was called, and the follow-
ing Members were present:

Mr. Speaker.	Camp.
Adamson.	Canon.
Aikin.	Cathey.
Alexander.	Caven.
Alsup.	Chastain.
Anderson	Clayton.
of Bexar.	Colson.
Anderson	Coombes.
of Johnson.	Cowley.
Baker.	Crossley.
Barrett.	Daniel.
Barron.	Davidson.
Beck.	Dean.
Bedford.	Devall.
Bourne.	Dunlap.
Bradley.	Dunagan.
Burns.	Duvall.
Butler.	Dwyer.
Calvert.	Engelhard.

Fain.	Merritt.
Fisher.	Metcalfe.
Ford.	Mitcham.
Fuchs.	Moffett.
Glass.	Moore.
Golson.	Morrison.
Good.	Morse.
Goodman.	Munson.
Graves.	Nicholson.
Greathouse.	Palmer.
Griffith.	Parkhouse.
Haag.	Patterson.
Hankamer.	Pavlica.
Harman.	Pope.
Harris.	Puryear.
Harrison.	Ramsey.
Hartzog.	Ratliff.
Head.	Ray.
Hicks.	Reader.
Hill of Brazoria.	Reed of Bowie.
Hill of Webb.	Reed of Dallas.
Hodges.	Roberts.
Holekamp.	Rogers of Hunt.
Holland.	Rogers of Ochiltree.
Holloway.	Rollins.
Hoskins.	Ross.
Huddleston.	Russell.
Hughes.	Savage.
Hunt.	Scarborough.
Hyder.	Scott.
Jackson.	Shannon.
James.	Shults.
Jefferson.	Smith.
Johnson	Stanfield.
of Anderson.	Steward.
Jones of Atascosa.	Stinson.
Jones of Runnels.	Stovall.
Jones of Shelby.	Sullivant.
Kayton.	Tarwater.
Kyle of Hays.	Tennyson.
Kyle of Palo Pinto.	Thomas.
Laird.	Tillery.
Latham.	Townsend.
Lemens.	Turlington.
Lindsey.	Van Zandt.
Long.	Vaughan.
Lotief.	Wagstaff.
Mackay.	Walker.
Magee.	Weinert.
Mathis.	Wells.
McClain.	West.
McDougald.	Winningham.
McGregor.	Wood.
McKee.	Young.

Absent

Leonard.	Riddle.
Renfro.	

Absent—Excused

Few.	Johnson of Dimmit.
Hester.	McCullough.

A quorum was announced present.

Prayer was offered by Rev. Geo. W.
Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Hester for today, on motion of Mr. Dunagan.

The following Member was granted leave of absence on account of illness:

Mr. McCullough for today, on motion of Mr. Good.

Mr. Few was granted leave of absence for today and tomorrow on account of a death in his family, on motion of Mr. Puryear.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, by unanimous consent of the House, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Leonard:

H. B. No. 886, A bill to be entitled "An Act to amend Article 1667, of the Revised Civil Statutes of Texas for 1925, as amended by House Bill No. 59, Chapter 38, of the Second Called Session of the Forty-second Legislature, so that the provisions of said Article shall hereafter extend to all counties containing a population of one hundred and ten thousand (110,000), or more, as shown by the preceding Federal Census; and declaring an emergency."

Referred to Committee on Counties.

By Mr. Ray and Mr. Harman:

H. B. No. 887, A bill to be entitled "An Act providing for rural school supervisors in certain counties, in lieu of teachers' institutes; prescribing the duties of said supervisors, and how it shall be paid; prescribing other things incidental to said purpose; and declaring an emergency."

Referred to Committee on Education.

By Mr. Bradley:

H. B. No. 888, A bill to be entitled "An Act to repeal Articles 153 and 155, of Title 4, Chapter 7, of the Penal Code of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Camp:

H. B. No. 891, A bill to be entitled "An Act providing for the payment by the Secretary of State for the printing of constitutional amendments submitted by the Forty-second Legislature, out of the moneys appropriated by the Forty-second Legislature; and declaring an emergency."

Referred to Committee on Appropriations.

HOUSE JOINT RESOLUTION ON FIRST READING

The following House joint resolution was laid before the House, read first time, and referred to the appropriate committee as follows:

By Mr. Sullivant, Mr. Ross, and Mr. Metcalfe:

H. J. R. No. 43, Proposing an amendment to Subsection a, of Section 20, Article XVI, of the Constitution of Texas, providing that vinous and malt liquors of not more than 3.2 per cent alcoholic content by weight shall not be prohibited by said Section; providing that the amendment shall be self-enacting, authorizing the Legislature to provide other regulations; providing for the submission of such amendment to the voters, for the proclamation and publication thereof, making an appropriation for the expenses of such election, and authorizing the submission of other matters at such election.

Referred to Committee on Constitutional Amendments.

BILLS LAID ON THE TABLE SUBJECT TO CALL

On motion of Mr. Lotief, House Bill No. 508 was laid on the table subject to call.

On motion of Mr. Rogers of Ochiltree, House Bill No. 536 was laid on the table subject to call.

On motion of Mr. Savage, House Bill No. 12 was laid on the table subject to call.

Mr. Griffith moved that House Bill No. 391 be laid on the table subject to call.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—87

Aikin.	Beck.
Anderson	Bedford.
of Johnson.	Burns.

Butler.	Lotief.
Canon.	Magee.
Cathey.	Mackay.
Caven.	McDougald.
Clayton.	Metcalf.
Colson.	Mitcham.
Crossley.	Moffett.
Daniel.	Moore.
Dean.	Morrison.
Dunlap.	Morse.
Dunagan.	Munson.
Duvall.	Nicholson.
Dwyer.	Parkhouse.
Fain.	Patterson.
Ford.	Pavlica.
Glass.	Puryear.
Golson.	Ramsey.
Greathouse.	Ratliff.
Griffith.	Ray.
Haag.	Reed of Bowie.
Hankamer.	Reed of Dallas.
Hartzog.	Roberts.
Hester.	Rogers of Hunt.
Hill of Brazoria.	Rogers
Hodges.	of Ochiltree.
Holekamp.	Rollins.
Holland.	Ross.
Hoskins.	Russell.
Hunt.	Savage.
James.	Scott.
Jefferson.	Shannon.
Johnson	Shults.
of Anderson.	Smith.
Jones of Atascosa.	Stanfield.
Jones of Runnels.	Steward.
Jones of Shelby.	Tennyson.
Kyle of Hays.	Tillery.
Kyle of Palo Pinto.	Turlington.
Laird.	Wagstaff.
Latham.	Walker.
Lemens.	Wells.
Lindsey.	Young.

Nays—25

Alexander.	Head.
Alsup.	Hill of Webb.
Anderson	Huddleston.
of Bexar.	Mathis.
Baker.	Merritt.
Bourne.	Stinson.
Chastain.	Stovall.
Coombes.	Sullivan.
Fisher.	Thomas.
Fuchs.	Van Zandt.
Good.	Vaughan.
Harris.	Weinert.
Harrison.	Wood.

Present—Not Voting

Devall.

Absent

Adamson.	Calvert.
Barrett.	Camp.
Barron.	Cowley.
Bradley.	Davidson.

Engelhard.	McGregor.
Goodman.	McKee.
Graves.	Palmer.
Harman.	Pope.
Holloway.	Reader.
Hughes.	Renfro.
Hyder.	Riddle.
Jackson.	Scarborough.
Kayton.	Tarwater.
Leonard.	Townsend.
Long.	West.
McClain.	Winningham.

Absent—Excused

Few.	Johnson
Hicks.	of Dimmit.
	McCullough.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled resolution:

S. C. R. No. 41, Recalling Senate Bill No. 85 for further consideration.

BILL RE-REFERRED

On motion of Mr. Coombes, Senate Bill No. 251 was withdrawn from the Committee on Appropriations and referred to the Committee on Claims and Accounts.

MOTION TO RE-REFER HOUSE BILL NO. 525

Mr. Reed of Bowie moved that House Bill No. 525 be withdrawn from the Committee on Revenue and Taxation and referred to the Committee on Conservation and Reclamation.

The motion was lost.

RELATIVE TO HOUSE BILL NO. 525

Mr. Reed of Bowie moved that the Committee on Revenue and Taxation be instructed to report House Bill No. 525 back to the House, in accordance with the provisions of the House Rules.

The motion prevailed.

MOTION TO PRINT HOUSE BILL NO. 829 ON MINORITY REPORT

Mr. Dunagan moved that House Bill No. 829, reported adversely, with a minority favorable report, be printed.

The motion was lost by the following vote:

Yeas—18

Coombes.	Hunt.
Daniel.	Hyder.
Dunagan.	Palmer.
Fisher.	Pavlica.
Good.	Puryear.
Goodman.	Reed of Bowie.
Haag.	Rogers of Hunt.
Hartzog.	Russell.
Huddleston.	Scott.

Nays—100

Adamson.	Latham.
Aikin.	Lernens.
Alexander.	Lindsey.
Alsup.	Long.
Anderson	Lotief.
of Johnson.	Mackay.
Baker.	Magee.
Barrett.	Mathis.
Bourne.	McDougald.
Bradley.	Merritt.
Burns.	Metcalf.
Calvert.	Mitcham.
Canon.	Moffett.
Cathey.	Moore.
Caven.	Morrison.
Chastain.	Morse.
Clayton.	Munson.
Colson.	Nicholson.
Cowley.	Parkhouse.
Crossley.	Patterson.
Davidson.	Pope.
Dean.	Ramsey.
Devall.	Ratliff.
Dunlap.	Ray.
Duvall.	Reader.
Dwyer.	Reed of Dallas.
Fain.	Roberts.
Fuchs.	Rollins.
Glass.	Ross.
Golson.	Savage.
Graves.	Scarborough.
Greathouse.	Shults.
Griffith.	Smith.
Hankamer.	Stanfield.
Harman.	Steward.
Harris.	Stovall.
Head.	Sullivant.
Hicks.	Tarwater.
Hill of Brazoria.	Tennyson.
Hill of Webb.	Thomas.
Holekamp.	Tillery.
Hoskins.	Townsend.
Hughes.	Turlington.
Jackson.	Van Zandt.
James.	Vaughan.
Jefferson.	Wagstaff.
Johnson	Walker.
of Anderson.	Wells.
Jones of Shelby.	West.
Kyle of Hays.	Wood.
Kyle of Palo Pinto.	Young.

Absent

Anderson	Kayton.
of Bexar.	Laird.
Barron.	Leonard.
Beck.	McClain.
Bedford.	McGregor.
Butler.	McKee.
Camp.	Renfro.
Engelhard.	Riddle.
Ford.	Rogers
Harrison.	of Ochiltree.
Hodges.	Shannon.
Holland.	Stinson.
Holloway.	Weinert.
Jones of Atascosa.	Winningham.
Jones of Runnels.	

Absent—Excused

Few.	Johnson
Hester.	of Dimmit.
	McCullough.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 263, "An Act authorizing the State Forester, under the general supervision of the Board of Directors of Agricultural and Mechanical College to co-operate and execute agreements with the Federal Forest Service, other Federal agencies, and timberland owners, involving co-operative forest protection and development projects when such action is required by Federal statute or policy; and declaring an emergency."

S. B. No. 437, "An Act amending Article 26, Chapter 2, Title 1, Code of Criminal Procedure, relating to the duties of county attorneys; prescribing their compensation for representing the State, either alone or aiding the district attorney in the prosecution of felony cases, including habeas corpus hearings, where the relator is charged with an offense of the grade of felony, in the district court; providing that such compensation shall be deducted from the compensation allowed district attorneys; and declaring an emergency."

H. B. No. 854, "An Act providing for an open season or period of time when it shall be unlawful to take or kill wild quail in certain counties; providing penalties for the violation

thereof; repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

H. B. No. 207, "An Act to amend Section 4, of Chapter 22, of the General Laws of the Thirty-ninth Legislature, Regular Session, 1925, and declaring an emergency."

S. B. No. 438, "An Act to amend Article 47, Chapter 2, Title 1, Code of Criminal Procedure, so as to provide that when a district clerk fails, neglects, or refuses to make any report required of such officer by the Attorney General, that the Attorney General shall notify in writing the Comptroller of Public Accounts of such failure, neglect, or refusal, whereupon the Comptroller shall refuse to issue any warrant which may be due to such district clerk until such report is made, and declaring an emergency."

H. B. No. 82, "An Act amending Article 6954, Chapter 6, Title 121, of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5, of the Acts of the Regular Session of the Forty-first Legislature of Texas, etc., and declaring an emergency." (With reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said Article the County of Armstrong.)

H. B. No. 575, "An Act for the purpose of making plain the salute to the Texas Flag, and giving uniformity to the salute; providing a clear description of the Flag to the end that pupils in the lower grades of the elementary school will be able to draw or make the Flag; providing for the standardization of the star in the blue stripe in the dimensions used, and its position in the stripe so that uniformity shall be the result hereafter in the making of Texas Flags; describing the method of construction of the star in language that is definite and clear; and outlining rules for correct use and display of the Texas Flag, and declaring an emergency."

H. B. No. 253, "An Act amending Article 7005, Title 121, Revised Civil Statutes of the State of Texas, as amended by the Acts of 1931, Forty-

second Legislature, Regular Session, page 852, Chapter 360, Section 1, exempting Bailey County and others from the provision requiring the election of a hide and animal inspector and other provisions of Chapter 7, Title 121, Revised Civil Statutes of 1925, State of Texas, and declaring an emergency."

S. B. No. 436, "An Act amending Article 273, Code of Criminal Procedure of the State of Texas for 1925, by adding thereto Subsection 6, providing that the bail bond of an accused shall be conditioned that the principal and sureties will pay all expenses incurred by peace officers in re-arresting the principal in the event the conditions of the bond are violated, and he fails to appear before the court or magistrate on the day stated; that such expense shall be in addition to the principal amount of the bond; that the failure of the bond to contain the condition specified herein shall not affect its legality, but that the peace officer shall look only to the bondsmen for expenses incurred by him in re-arresting an accused who has violated the conditions of his bond; and declaring an emergency."

S. B. No. 92, "An Act amending Article 6008, of the Revised Civil Statutes of 1925, as amended by Section 2, Chapter 26, of the Acts of the Forty-second Legislature, First Called Session, prohibiting the waste of gas by escape, and requiring the confinement thereof under the terms and conditions of said Article; providing for the utilization of gas containing hydrogen sulphide or other foreign substances, for purposes other than light or fuel to the extent of 25 per cent of the open flow of the wells producing such gas; giving the Commission authority to permit such utilization in excess of 25 per cent of the open flow after hearing; and providing that such utilization shall not constitute waste; affixing penalty for violation thereof; repealing all laws in conflict therewith; and declaring an emergency."

HOUSE BILL ON FIRST READING

Mr. West moved that the following bill be introduced today, read first time, and referred to the appropriate committee.

The motion prevailed by the following vote:

Yeas—103

Adamson.	Jones of Runnels.
Aikin.	Jones of Shelby.
Alexander.	Kayton.
Alsup.	Kyle of Hays.
Anderson	Kyle of Palo Pinto.
of Bexar.	Latham.
Anderson	Lindsey.
of Johnson.	Long.
Baker.	Lotief.
Barrett.	Mackay.
Bedford.	Magee.
Bourne.	Mathis.
Burns.	McDougald.
Calvert.	McKee.
Camp.	Merritt.
Canon.	Metcalf.
Chastain.	Mitcham.
Clayton.	Morse.
Colson.	Munson.
Coombes.	Nicholson.
Cowley.	Palmer.
Crossley.	Parkhouse.
Daniel.	Patterson.
Davidson.	Pavlica.
Dean.	Ramsey.
Devall.	Ratliff.
Dunlap.	Ray.
Dunagan.	Reader.
Duvall.	Reed of Bowie.
Dwyer.	Reed of Dallas.
Fain.	Roberts.
Fuchs.	Rollins.
Glass.	Ross.
Good.	Russell.
Goodman.	Scarborough.
Greathouse.	Scott.
Griffith.	Shults.
Haag.	Smith.
Hankamer.	Stanfield.
Harris.	Steward.
Hartzog.	Sullivant.
Head.	Tarwater.
Hill of Webb.	Tennyson.
Hodges.	Thomas.
Holloway.	Tillery.
Hoskins.	Turlington.
Huddleston.	Van Zandt.
Hughes.	Weinert.
Hunt.	Wells.
Hyder.	West.
Jackson.	Wood.
James.	Young.
Jefferson.	

Nays—2

Fisher. Hicks.

Absent

Barron.	Caven.
Beck.	Engelhard.
Bradley.	Ford.
Butler.	Golson.
Cathey.	Graves.

Harman.	Pope.
Harrison.	Puryear.
Hill of Brazoria.	Renfro.
Holekamp.	Riddle.
Holland.	Rogers of Hunt.
Johnson	Rogers
of Anderson.	of Ochiltree.
Jones of Atascosa.	Savage.
Laird.	Shannon.
Lemens.	Stinson.
Leonard.	Stovall.
McClain.	Townsend.
McGregor.	Vaughan.
Moffett.	Wagstaff.
Moore.	Walker.
Morrison.	Winningham.

Absent—Excused

Few.	Johnson
Hester.	of Dimmit.
	McCullough.

The Speaker then laid the following bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. Dunlap and Mr. West:

H. B. No. 890, A bill to be entitled "An Act to authorize and provide a method for the Commissioner of the General Land Office to lease to the Alejandro G. Trevino Post No. 390, of the American Legion, of Willacy County, Texas, certain submerged lands under the waters of Red Fish Bay, in Willacy County, Texas, etc.; and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

Mr. Pope moved that the following bill be introduced today, and referred to the appropriate committee.

The motion prevailed by the following vote:

Yeas—107

Adamson.	Cowley.
Aikin.	Crossley.
Alsup.	Daniel.
Anderson	Davidson.
of Johnson.	Dean.
Baker.	Devall.
Barrett.	Dunagan.
Bedford.	Duvall.
Bourne.	Dwyer.
Bradley.	Fain.
Burns.	Fisher.
Calvert.	Ford.
Camp.	Fuchs.
Canon.	Glass.
Chastain.	Golson.
Clayton.	Good.
Colson.	Goodman.

Graves.	Munson.
Greathouse.	Nicholson.
Griffith.	Palmer.
Hankamer.	Parkhouse.
Harris.	Pavlica.
Hartzog.	Pope.
Head.	Puryear.
Hicks.	Ramsey.
Hill of Webb.	Ratliff.
Holekamp.	Ray.
Hoskins.	Reader.
Huddleston.	Reed of Bowie.
Hunt.	Reed of Dallas.
Jackson.	Roberts.
James.	Rogers of Hunt.
Jefferson.	Rollins.
Jones of Atascosa.	Ross.
Jones of Runnels.	Russell.
Jones of Shelby.	Savage.
Kyle of Palo Pinto.	Scarborough.
Laird.	Scott.
Latham.	Shannon.
Lemens.	Shults.
Lindsey.	Smith.
Lotief.	Stanfield.
Mackay.	Steward.
Magee.	Sullivant.
Mathis.	Tillery.
McDougald.	Turlington.
McGregor.	Van Zandt.
McKee.	Vaughan.
Merritt.	Wagstaff.
Metcalfe.	Walker.
Mitcham.	Weinert.
Moffett.	Wells.
Morrison.	Wood.
Morse.	Young.

Nays—1

Coombes.

Absent

Alexander.	Kayton.
Anderson	Kyle of Hays.
of Bexar.	Leonard.
Barron.	Long.
Beck.	McClain.
Butler.	Moore.
Cathey.	Patterson.
Caven.	Renfro.
Dunlap.	Riddle.
Engelhard.	Rogers
Haag.	of Ochiltree.
Harman.	Stinson.
Harrison.	Stovall.
Hill of Brazoria.	Tarwater.
Hodges.	Tennyson.
Holland.	Thomas.
Holloway.	Townsend.
Hughes.	West.
Hyder.	Winningham.
Johnson	
of Anderson.	

Absent—Excused

Few.

Hester.

Johnson
of Dimmit.

McCullough.

The Speaker then laid the following bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. Pope:

H. B. No. 889, A bill to be entitled "An Act to amend Section 3, of Chapter 227, of the Special Laws of the Regular Session of the Forty-second Legislature of the State of Texas, relative to the construction and maintenance of a channel through Padre Island, Mustang Island, and St. Jo Island, or any of said islands; providing for the extension of time for the completion of such channel; and declaring an emergency."

Referred to Committee on Game and Fisheries.

CONFERENCE COMMITTEE ON SENATE BILL NO. 85

On motion of Mr. Jones of Atascosa, the House granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 85.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Jones of Atascosa, Burns, Young, Graves, and Cathey.

SPECIAL ORDER SET

Mr. Tennyson moved that House Bill No. 652 be set as a special order for 10 o'clock a. m., next Tuesday.

The motion prevailed.

RELATIVE TO HOUSE BILL NO. 866

On motion of Mr. Kayton, by unanimous consent of the House, the caption of House Bill No. 866 was ordered amended to conform to all changes made in the body of the bill.

RELATIVE TO THE PRESENTATION OF THE FLAG OF THE BATTLE OF SAN JACINTO

Mr. McGregor offered the following resolution:

Whereas, In 1896, thirty-seven years ago, there was presented to the State of Texas its most priceless historical relic, the only battle flag

borne by the victorious Texas Army in the Battle of San Jacinto; and

Whereas, By legislative appropriation, secured through the patriotic efforts of the Daughters of the Republic of Texas and Rep. P. L. Anderson, of San Antonio, the flag has been recently restored to its present inspiring condition and placed behind the Speaker's stand in the House of Representatives, where it should always remain as a reminder to those assembled here of the spirit, gallantry, and unselfish patriotism of those who followed that flag to freedom from tyranny and oppression; and

Whereas, There has never been a formal presentation and acceptance of the flag by the State, nor has any appropriate legend been inscribed to reflect its history and value to the State of Texas; and

Whereas, The said flag should be formally presented to the State and accepted by the Legislature; and

Whereas, The Hon. Clarence Kendall, of Houston, Texas, the grandson of Gen. Sidney Sherman, to whose military company, the Newport Rifles, the flag was presented by the ladies of Newport, Kentucky, on the eve of the departure of that company for Texas under the command of Sidney Sherman to take part in the Texas Revolution, is a fitting and proper person to present said flag and that the Hon. Coke Stevenson, Speaker of the House of Representatives, is the proper person to accept said flag on behalf of the State of Texas. Therefore, be it

Resolved by the Forty-third Legislature, That at 10 o'clock a. m., April 21, the ninety-seventh anniversary of the Battle of San Jacinto, appropriate ceremonies of presentation and acceptance be held in the House of Representatives, and, that the flag remain permanently in its present location behind the Speaker's stand, and in the custody of the State Library; that the Senate and the public be invited to be present and participate in said ceremonies, and that a suitable legend be inscribed upon a metal plate, setting forth the history of the flag, and that the expense of same be paid for out of the Contingent Expense Fund of the House of Representatives.

The resolution was read second time.

On motion of Mr. McGregor, the resolution was adopted.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 14, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 807, A bill to be entitled "An Act to provide for conventions to pass on amendments to the Constitution of the United States, which may be now, or may be hereafter, proposed by the Congress of the United States, for ratification by conventions in the several States; setting the time of said elections; prescribing the method of nominating delegates; prescribing the manner and method in which delegates shall be elected to attend such convention; providing the form of the ballot to be used at such election; prescribing certain duties of the public officials of this State with reference to the conduct of such election; and declaring an emergency." (With amendments.)

Respectfully,

BOB BARKER,
Secretary of the Senate.

GRANTING PERMISSION TO SUE THE STATE

Mr. Bradley offered the following resolution:

H. C. R. No. 66, Granting permission to sue the State.

Whereas, On or about December 1, 1932, the men hereinafter named were put to work clearing debris from certain property in Travis County, Texas, to be paid out of the funds borrowed for relief purposes from the Reconstruction Finance Corporation, such men coming from the ranks of the unemployed, and while so employed, were killed or otherwise severely injured while in course of their employment, due to the collapse of walls of a building standing on said property; said men being the following:

1. A. C. Reissig, 1014 Haskell, Austin, Texas.
2. W. L. Lamb, 90 Red River Street, Austin, Texas.
3. Charlie A. Johnson, 2107 Longfellow, Austin, Texas.

4. T. C. Laws, 2500 Perdenales, Austin, Texas.

5. J. E. Snowden, 1423 Garden Street, Austin, Texas.

6. Oscar Wynn, Lake Austin, Austin, Texas.

Whereas, Said men named above having never been compensated by the State of Texas, or the County of Travis, for said injuries received while so employed; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That A. C. Reissig, W. L. Lamb, Charlie A. Johnson, T. C. Laws, J. E. Snowden, and Oscar Wynn, or their legal representatives, be, and are hereby, granted permission to bring suit against the State of Texas and/or the County of Travis, in a court of competent jurisdiction in order to determine compensation for said deaths and/or injuries received, if they can severally show injuries received, while so employed by the State of Texas, and/or the County of Travis, and all service of citation, or other necessary process, may be had upon the Governor of the State of Texas and the Attorney General, and the County Judge and County Attorney of Travis County, Texas, with the same force and effect as in civil cases. Be it further

Resolved, That the Attorney General and/or said County Attorney be authorized to compromise, or otherwise settle, any suit or suits brought as result of this resolution, if, in the opinions of the Attorney General and/or said County Attorney, the men herein above-named, or their legal representatives, are entitled to their respective said compensations because of their said injuries.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, April 14, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 188, A bill to be entitled "An Act to repeal House Bill No. 32,

Acts, First Called Session, Forty-second Legislature, which provides a special quail season for Falls and Johnson Counties; and declaring an emergency."

H. B. No. 399, A bill to be entitled "An Act permitting the taking of pelts of fur-bearing animals for the purpose of sale in Nacogdoches County, during the months of December and January; making it unlawful to take such pelts or to employ a steel trap for taking any fur-bearing animal during any other months than December and January; providing a penalty; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency." (With amendments.)

H. B. No. 667, A bill to be entitled "An Act defining from what fund the compensation of county commissioners may be paid in counties having a population of not more than six thousand three hundred and twenty (6,320), and not less than six thousand three hundred and ten (6,310), according to the most recent United States Census."

H. B. No. 775, A bill to be entitled "An Act to amend Article 199, Title 8, of the Revised Civil Statutes of 1925, Subdivision 47, as amended by Chapter 7, Acts of the Fortieth Legislature, 1927, by amending Sections 4, 5, and 6, of Chapter 7, Acts of the Fortieth Legislature, page 10, and providing for the restoration of jurisdiction of civil business to the District Court of the Forty-seventh Judicial District, in Potter County, providing for the perpetuation of said Forty-seventh District Court, and clothing said District Court with general jurisdiction of district courts in all of the counties comprising said Judicial District; providing for the continuance in office of the Judge of the One Hundred and Eighth District Court, and the Judge and District Attorney of the said Forty-seventh District Court, during the term for which elected; providing for a clerk and court reporter to handle civil business in said Court, in Potter County; for transfer of civil business by the respective Judges of said Courts; to continue in effect writs, process, bonds, recognizances, orders, decrees, and judgments; fixing the time of taking effect of this Act; repealing laws in conflict therewith; and declaring an emergency."

H. B. No. 840, A bill to be entitled "An Act validating and legalizing the authorization of bonds issued by or on behalf of any county, city, district, or political subdivision of this State, for the construction of sea walls; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns, and declaring the result of such election; and declaring an emergency."

The Senate has adopted

H. C. R. No. 65, Directing the Enrolling Clerk of the House to correct the caption of House Bill No. 431.

S. C. R. No. 28, Granting E. B. Sullivan and W. W. Hawkins permission to sue the State.

Senate Bill No. 85 has been returned to the Senate by the Governor by authority of Senate Concurrent Resolution No. 41. The Senate reconsidered the vote concurring in House amendments to said bill, and refused to concur in House amendments, and requests the appointment of a conference committee.

The following have been appointed on the part of the Senate: Senators Purl, Small, Stone, Beck, and Moore.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 791 WITH SENATE AMENDMENTS

Mr. Greathouse called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 791, A bill to be entitled "An Act amending Subsection 14, of Article 5421-c, of the Revised Civil Statutes of Texas, same being Acts, 1931, Forty-second Legislature, Second Called Session, page 64, Chapter 40, by providing that hereafter in all condemnation proceedings, the mineral rights of the condemned party shall be superior to the surface rights of the condemning party, and in the event of any conflict where it is necessary to drill any offset well, that the surface rights shall yield to the mineral rights, and the condemning party shall immediately remove any interference or hindrance therewith, and in the event of his failure to do so upon demand, the owner of the

mineral rights shall have the right to do so, without liability; etc.; and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Greathouse, the House concurred in the Senate amendments by the following vote:

Yeas—113

Adamson.	Jones of Shelby.
Aikin.	Kayton.
Alsup.	Kyle of Hays.
Anderson	Kyle of Palo Pinto.
of Johnson.	Latham.
Baker.	Lemens.
Beck.	Lindsey.
Bedford.	Long.
Bourne.	Lotief.
Bradley.	Magee.
Burns.	Mackay.
Butler.	Mathis.
Calvert.	McClain.
Camp.	McGregor.
Canon.	McKee.
Caven.	Merritt.
Chastain.	Mitcham.
Clayton.	Moffett.
Colson.	Moore.
Coombes.	Morrison.
Cowley.	Munson.
Daniel.	Nicholson.
Dean.	Parkhouse.
Dunlap.	Patterson.
Dunagan.	Pavlica.
Duvall.	Pope.
Dwyer.	Puryear.
Engelhard.	Ramsey.
Fain.	Ratliff.
Fisher.	Ray.
Ford.	Reed of Bowie.
Fuchs.	Reed of Dallas.
Glass.	Riddle.
Golson.	Roberts.
Good.	Rogers of Hunt.
Graves.	Rollins.
Greathouse.	Ross.
Griffith.	Russell.
Haag.	Savage.
Hankamer.	Scarborough.
Harris.	Scott.
Hartzog.	Shannon.
Head.	Shults.
Hicks.	Smith.
Hill of Brazoria.	Stanfield.
Hill of Webb.	Steward.
Hoskins.	Stinson.
Huddleston.	Stovall.
Hunt.	Sullivant.
Hyder.	Thomas.
Jackson.	Townsend.
James.	Turlington.
Jefferson.	Van Zandt.
Johnson	Wagstaff.
of Anderson.	Walker.
Jones of Runnels.	Weinert.

Adamson.	Head.
Aikin.	Hicks.
Alsup.	Hodges.
Anderson	Huddleston.
of Johnson.	Hunt.
Barrett.	Hyder.
Barron.	Jones of Runnels.
Beck.	Jones of Shelby.
Bourne.	Kyle of Hays.
Burns.	Laird.
Calvert.	Latham.
Camp.	Lemens.
Canon.	Leonard.
Cathey.	Lindsey.
Caven.	Lotief.
Chastain.	Magee.
Coombes.	Merritt.
Cowley.	Metcalfe.
Crossley.	Mitcham.
Daniel.	Moffett.
Dean.	Munson.
Fain.	Palmer.
Fisher.	Parkhouse.
Glass.	Puryear.
Golson.	Ratliff.
Good.	Ray.
Goodman.	Reed of Bowie.
Graves.	Riddle.
Harman.	Rogers of Hunt.
Harris.	Rollins.

Ross.	Tarwater.
Savage.	Tennyson.
Scarborough.	Thomas.
Scott.	Turlington.
Shults.	Van Zandt.
Smith.	Wagstaff.
Steward.	Walker.
Stinson.	Wells.
Stovall.	Wood.
Sullivant.	

Present—Not Voting

Butler.

Absent

Hughes.	Renfro.
McDougald.	Winningham.
Morrison.	

Absent—Excused

Few.	Johnson
Hester.	of Dimmit.
	McCullough.

PAIRED

Mr. Butler (present), who would vote "nay," with Mr. Renfro (absent), who would vote "yea."

(Mr. Van Zandt in the Chair.)

Mr. Kayton asked unanimous consent of the House that, if the motion of Mr. Moffett prevailed, the Speaker of the House be named Chairman of the Committee of the Whole House.

There was no objection offered, and it was so ordered.

Question then recurring on the motion by Mr. Moffett, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—88

Adamson.	Dean.
Aikin.	Fain.
Alsup.	Fisher.
Anderson	Fuchs.
of Johnson.	Glass.
Barrett.	Golson.
Barron.	Good.
Beck.	Goodman.
Bourne.	Graves.
Burns.	Haag.
Calvert.	Harman
Camp.	Harris.
Canon.	Head.
Cathey.	Hicks.
Caven.	Hodges.
Chastain.	Hoskins.
Coombes.	Huddleston.
Cowley.	Hughes.
Crossley.	Hunt.
Daniel.	Hyder.

Johnson	Riddle.
of Anderson.	Rogers of Hunt.
Jones of Atascosa.	Rollins.
Jones of Runnels.	Ross.
Jones of Shelby.	Russell.
Kyle of Hays.	Savage.
Laird.	Scarborough.
Latham.	Scott.
Lemens.	Shannon.
Leonard.	Shults.
Lotief.	Smith.
Magee.	Stanfield.
Mackay.	Steward.
Merritt.	Stinson.
Metcalfe.	Stovall.
Mitcham.	Sullivant.
Moffett.	Tarwater.
Munson.	Tennyson.
Nicholson.	Thomas.
Palmer.	Turlington.
Parkhouse.	Van Zandt.
Puryear.	Wagstaff.
Ratliff.	Walker.
Ray.	Wells.
Reed of Bowie.	Wood.

Nays—52

Alexander.	James.
Anderson	Jefferson.
of Bexar.	Kayton.
Baker.	Kyle of Palo Pinto.
Bedford.	Long.
Bradley.	Mathis.
Clayton.	McClain.
Colson.	McDougald.
Davidson.	McGregor.
Devall.	McKee.
Dunlap.	Moore.
Dunagan.	Morse.
Duvall.	Patterson.
Dwyer.	Pavlica.
Engelhard.	Pope.
Ford.	Ramsey.
Greathouse.	Reader.
Griffith.	Reed of Dallas.
Hankamer.	Roberts.
Harrison.	Rogers
Hartzog.	of Ochiltree.
Hill of Brazoria.	Tillery.
Hill of Webb.	Townsend.
Holekamp.	Vaughan.
Holland.	Weinert.
Holloway.	West.
Jackson.	Young.

Present—Not Voting

Butler.

Absent

Lindsey.	Renfro.
Morrison.	Winningham.

Absent—Excused

Few.	Johnson
Hester.	of Dimmit.
	McCullough.

PAIRED

Mr. Butler (present), who would vote "yea," with Mr. Renfro (absent), who would vote "nay."

IN COMMITTEE OF THE WHOLE HOUSE

(Mr. Stevenson in the Chair)

The House, at 11:50 o'clock a. m., in accordance with the motion by Mr. Moffett, resolved itself into a Committee of the Whole House.

IN THE HOUSE

(Mr. Stevenson in the Chair)

At 3 o'clock p. m., Mr. Stevenson, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise and report progress.

The following proceedings of the Committee of the Whole House were reported:

The Chairman laid before the Committee of the Whole House, for consideration at this time:

H. J. R. No. 43, Proposing an amendment to Subsection a, of Section 20, Article XVI, of the Constitution of Texas, providing that vinous and malt liquors of not more than 3.2 per cent alcoholic content by weight shall not be prohibited by said Section; providing that the amendment shall be self-enacting, authorizing the Legislature to provide other regulations; providing for the submission of such amendment to the voters, for the proclamation and publication thereof, making an appropriation for the expenses of such election, and authorizing the submission of other matters at such election.

Mr. Moore offered the following amendment to the resolution:

Amend House Joint Resolution No. 43 by striking out Section 5 thereof.

The amendment was adopted.

The Committee, at 12 o'clock m., by unanimous consent, agreed to stand at ease until 2 o'clock p. m., today.

The Committee reconvened at 2 o'clock p. m., and was called to order by the Chairman.

The Committee of the Whole House resumed consideration of House Joint Resolution No. 43.

Mr. Anderson of Bexar offered the following amendments to the resolution:

(1)

Amend House Joint Resolution No. 43 by striking out all below the resolving clause, and substituting in lieu thereof the following:

"Section 1. That Subsection a, of Section 20, of Article XVI, of the Constitution of Texas, be amended so as to hereafter read as follows:

"a. The manufacture, sale, barter, or exchange in the State of Texas of spiritous, vinous, or malt liquors, or medicated bitters capable of producing intoxication, or any other intoxicant whatever, except vinous or malt liquors of not more than 3.2 per cent alcoholic content by weight (except for medicinal, mechanical, scientific, or sacramental purposes) are each and all hereby prohibited. The Legislature shall enact laws to enforce this Section, and may, from time to time, prescribe regulations and limitations relative to the manufacture, sale, barter, exchange, or possession for sale of vinous or malt liquors of not more than 3.2 per cent alcoholic content by weight; provided, the Legislature shall enact a law or laws whereby the qualified voters of any county, justice's precinct, town, or city may, by a majority vote of those voting, determine from time to time whether the sale for beverage purposes of vinuous or malt liquors containing not more than 3.2 per cent alcohol by weight shall be prohibited within the prescribed limits; and provided further, that in any such political subdivision wherein the sale of intoxicating liquors was prohibited by law on the taking effect of Section 20, Article XVI, of the Constitution of Texas, it shall be unlawful to manufacture, sell, barter, or exchange in said subdivision, spiritous, vinous, or malt liquors, or medicated bitters capable of producing intoxication, or any other intoxicant whatsoever, until a majority of the qualified voters of said political subdivision voting in said election shall, by vote, determine otherwise; and the provisions of this subsection shall be self-enacting."

"Sec. 2. The foregoing amendment to the Constitution shall be submitted

to a vote of the qualified electors of this State at an election to be held throughout the State on the fourth Saturday in August, 1933. At this election all voters favoring the proposed amendment shall write, or have printed, on their ballot the following words: 'For the amendment to the Constitution of Texas, authorizing the sale of vinous and malt liquors of not more than 3.2 per cent alcoholic content by weight.' Those voters opposing said proposed amendment shall write, or have printed, on their ballot the following words: 'Against the amendment to the Constitution of Texas, authorizing the sale of vinous and malt liquors of not more than 3.2 per cent alcoholic content by weight.'

"Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for such election and to have same published as required by the Constitution and amendments thereto.

"Sec. 4. The sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated out of any funds of the State of Texas, not otherwise appropriated, to pay the expenses of such election."

(2)

Amend House Joint Resolution No. 43, by striking out all above the resolving clause, and substituting therefor the following:

H. J. R. No. 43, Proposing an amendment to Subsection a, of Section 20, Article XVI, of the Constitution of Texas, providing that vinous and malt liquors of not more than 3.2 per cent alcoholic content by weight shall not be prohibited by said Section; providing that the amendment shall be self-enacting, authorizing the Legislature to provide other regulations; providing for the submission of such amendment to the voters, for the proclamation and publication thereof, and making an appropriation for the expenses of such election.

ANDERSON of Bexar,
METCALFE,
SULLIVANT,
GRAVES,
MOFFETT,
MATHIS.

The amendments were severally adopted.

Mr. Moffett moved that House Joint Resolution No. 43 be reported back

to the House with recommendation that it do pass as amended.

The motion prevailed.

At 3 o'clock p. m., Mr. Moffett moved that the Committee rise and report progress.

The motion prevailed.

Signed—COKE R. STEVENSON,
Chairman of the Committee of the
Whole House.

RESOLUTION ORDERED NOT PRINTED

On motion of Mr. Parkhouse, by unanimous consent of the House, House Joint Resolution No. 43 was ordered not printed.

HOUSE JOINT RESOLUTION NO. 43 ON SECOND READING

Mr. Parkhouse moved that the Twenty-four-hour Rule, relative to printed bills, be suspended for the purpose of considering at this time House Joint Resolution No. 43.

The motion prevailed.

The Speaker then laid before the House, on its second reading,

H. J. R. No. 43, Proposing an amendment to Subsection a, of Section 20, Article XVI, of the Constitution of Texas, providing that vinous and malt liquors of not more than 3.2 per cent alcoholic content by weight shall not be prohibited by said Section; providing that the amendment shall be self-enacting; authorizing the Legislature to provide other regulations; providing for the submission of such amendment to the voters; for the proclamation and publication thereof, making an appropriation for the expenses of such election, and authorizing the submission of other matters at such election.

The resolution was read second time.

Mr. Sullivant offered the following amendment to the resolution:

Amend House Joint Resolution No. 43 by striking out all above and below the resolving clause, and insert in lieu thereof the following:

H. J. R. No. 43, Proposing an amendment to Subsection a, of Section 20, Article XVI, of the Constitution of Texas, providing that vinous or malt liquors of not more than three and two-tenths per cent (3.2%) alcoholic content by weight shall not

be prohibited by said Section; providing that the amendment shall be self-enacting; authorizing the Legislature to provide other regulations; providing for the submission of such amendment to the voters; for the proclamation and publication thereof, and making an appropriation for the expenses of such election.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Subsection a, of Section 20, of Article XVI, of the Constitution of Texas, be amended so as to hereafter read as follows:

"(a). The manufacture, sale, barter, or exchange in the State of Texas of spirituous, vinous, or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever except vinous or malt liquors of not more than three and two-tenths per cent (3.2%) alcoholic content by weight (except for medicinal, mechanical, scientific, or sacramental purposes) are each and all hereby prohibited. The Legislature shall enact laws to enforce this Section, and may from time to time prescribe regulations and limitations relative to the manufacture, sale, barter, exchange, or possession for sale of vinous or malt liquors of not more than three and two-tenths per cent (3.2%) alcoholic content by weight; provided the Legislature shall enact a law or laws whereby the qualified voters of any county, justice's precinct, town, or city may, by a majority vote of those voting, determine from time to time whether the sale for beverage purposes of vinous or malt liquors, containing not more than three and two-tenths per cent (3.2%) alcohol by weight, shall be prohibited within the prescribed limits; and provided further, that if any such political subdivision wherein the sale of intoxicating liquors was prohibited by law on the taking effect of Section 20, Article XVI, of the Constitution of Texas, it shall be unlawful to manufacture, sell, barter, or exchange, in said subdivision, spirituous, vinous, or malt liquors, or medicated bitters capable of producing intoxication, or any other intoxicant whatsoever until a majority of the qualified voters in said political subdivision, voting in said election, shall, by vote, determine otherwise; and the provisions of this Subsection shall be self-enacting."

Sec. 2. The foregoing amendment to the Constitution shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State on the fourth Saturday in August, 1933. At this election all voters favoring the proposed amendment shall write or have printed on their ballot the following words: "For the amendment to the Constitution of Texas, authorizing the sale of vinous or malt liquors of not more than three and two-tenths per cent (3.2%) alcoholic content by weight." Those voters opposing said proposed amendment shall write or have printed on their ballot the following words: "Against the amendment to the Constitution of Texas, authorizing the sale of vinous or malt liquors of not more than three and two-tenths per cent (3.2%) alcoholic content by weight."

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for such election and to have same published as required by the Constitution and amendments thereto.

Sec. 4. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated, out of any funds of the State of Texas not otherwise appropriated, to pay the expenses of such election.

ANDERSON of Bexar,
METCALFE,
SULLIVANT,
GRAVES,
MOFFETT,
MATHIS.

Mr. Calvert moved the previous question on the pending amendment and the resolution, and the main question was ordered.

The committee amendment was then adopted.

By unanimous consent of the House, the caption of the resolution was ordered amended to conform to all changes made in the body of the resolution.

House Joint Resolution No. 43. was then passed by the following vote:

Yeas—132

Adamson.	Anderson
Aikin.	of Johnson.
Alexander.	Baker.
Alsup.	Barron.
Anderson	Beck.
of Bexar.	Bedford.

Bourne.	Latham.
Bradley.	Lemens.
Burns.	Leonard.
Butler.	Lindsey.
Calvert.	Long.
Camp.	Lotief.
Canon.	Mackay.
Cathey.	Magee.
Caven.	Mathis.
Chastain.	McClain.
Clayton.	McDougald.
Colson.	McGregor.
Coombes.	McKee.
Cowley.	Merritt.
Crossley.	Metcalfe.
Daniel.	Mitcham.
Davidson.	Moffett.
Dean.	Moore.
Devall.	Morrison.
Dunlap.	Morse.
Dunagan.	Munson.
Duvall.	Parkhouse.
Dwyer.	Patterson.
Engelhard.	Pavlica.
Fain.	Pope.
Fisher.	Puryear.
Ford.	Ramsey.
Fuchs.	Ratliff.
Glass.	Reader.
Golson.	Reed of Bowie.
Good.	Reed of Dallas.
Goodman.	Renfro.
Graves.	Riddle.
Greathouse.	Roberts.
Hankamer.	Rogers of Hunt.
Harman.	Rogers of Ochiltree.
Harris.	Rollins.
Harrison.	Ross.
Hartzog.	Russell.
Head.	Savage.
Hicks.	Scarborough.
Hill of Webb.	Shannon.
Hodges.	Smith.
Holekamp.	Stanfield.
Holland.	Steward.
Holloway.	Stinson.
Hoskins.	Stovall.
Huddleston.	Sullivant.
Hughes.	Tarwater.
Hyder.	Tennyson.
Jackson.	Tillery.
James.	Townsend.
Jefferson.	Turlington.
Johnson	Van Zandt.
of Anderson.	Wagstaff.
Jones of Atascosa.	Walker.
Jones of Runnels.	Weinert.
Jones of Shelby.	Wells.
Kayton.	West.
Kyle of Hays.	Wood.
Kyle of Palo Pinto.	Young.
Laird.	

Nays—6

Barrett.	Ray.
Hunt.	Scott.
Nicholson.	Shults.

Absent

Griffith.	Thomas.
Haag.	Vaughan.
Hill of Brazoria.	Winningham.
Palmer.	

Absent—Excused

Few.	Johnson
Hester.	of Dimmit.
	McCullough.

REASONS FOR VOTES

Reason for vote on House Joint Resolution No. 43:

The public demand, as I understand it, is for the privilege of expressing sentiment at the polls upon the entire prohibition question as involved by State constitutional inhibition, and not in passing judgment upon one phase only of the question, and by reason of the fact that the pending proposal compromises the public demand, I have voted "nay" on the question of passing House Joint Resolution No. 43.

NICHOLSON.

Reason for voting for submission on House Joint Resolution No. 43 for 3.2 per cent beer:

Those favoring House Bill No. 122 to legalize 3.2 beer being in the majority, it was either to see legalized beer by an Act of the Legislature or submit it to the people.

REED of Bowie.

HOUSE BILL NO. 122 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business on its passage to engrossment,

H. B. No. 122, A bill to be entitled "An Act to regulate the manufacture, sale, and disposition of non-intoxicating malt liquors and the places wherein same are manufactured and sold; defining 'non-intoxicating malt liquors'; imposing an occupation tax upon certain persons, firms, corporations, and associations of persons manufacturing and selling non-intoxicating malt liquors; defining 'manufacturers' of such non-intoxicating malt liquors, and regulating the business thereof, etc., and declaring an emergency";

The bill having heretofore been read second time.

Mr. Mathis offered the following committee amendment to the bill:

Amend House Bill No. 122 by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. Beer containing not more than three and two-tenths per centum (3.2%) of alcohol by weight is hereby defined to be a non-intoxicating malt liquor, or malt liquor not capable of producing intoxication, and the manufacture, sale, and disposition of non-intoxicating beer containing one-half ($\frac{1}{2}$) of one per cent (1%) or more of alcohol by volume, and not more than three and two-tenths per centum (3.2%) of alcohol by weight is hereby authorized within the State of Texas, subject to the terms and conditions herein imposed.

"The words 'non-intoxicating beer,' as hereinafter used in this Act, shall mean beer containing one-half ($\frac{1}{2}$) of one per cent (1%) or more of alcohol by volume, and not more than three and two-tenths per centum (3.2%) of alcohol by weight.

"Sec. 2. Non-intoxicating beer can be manufactured, distributed, and sold only in bottles containing not more than twelve (12) fluid ounces, and every jobber, distributor, wholesale dealer, and retail dealer shall sell and distribute such non-intoxicating beer in bottles only.

"Sec. 3. (a) A 'manufacturer' is hereby defined to be any person, firm, corporation, or association of persons manufacturing or brewing non-intoxicating beer and distributing and selling same to jobbers, distributors, wholesale dealers, retail dealers, and others within the State of Texas.

"(b) A 'distributor,' 'jobber,' or 'wholesale dealer' is hereby defined to be any person, firm, corporation, or association of persons, selling, and distributing non-intoxicating beer to retail dealers, and others, within the State of Texas.

"(c) A 'retail dealer' is hereby defined to be any person, firm, corporation, or association of persons, licensed to sell non-intoxicating beer in bottles only to be consumed or not to be consumed on the premises as provided in the license therefor under the provisions of this Act.

"Sec. 4. It shall be unlawful for to any person, firm, corporation or

association of persons, in this State, to manufacture, or brew for sale, or to sell any non-intoxicating beer without first having applied for and secured license from the county judge of the county in which such manufacturer or dealer conducts business, authorizing such brewing, manufacturing, and selling, or sale thereof.

"Sec. 5. Before any license required by this Act shall be issued the annual license fee required thereof shall be paid to the county collector of the county where such license is issued for the use and benefit of the General Fund of the State of Texas, and receipt for such payment filed in the office of the county clerk of such county. Annual fees required for license authorized by this Act shall be as follows:

"(a) For a license authorizing the manufacture and sale by a manufacturer of non-intoxicating beer brewed or manufactured in this State, five hundred dollars (\$500).

"(b) For a license authorizing the sale in this State by any jobber, distributor, or wholesaler, other than the manufacturer or brewer thereof, of non-intoxicating beer, two hundred dollars (\$200).

"(c) For a license authorizing the sale of non-intoxicating beer for consumption on the premises where sold, one hundred dollars (\$100).

"(d) For license authorizing the sale of non-intoxicating beer in the original package direct to the consumer, but not for re-sale and not to be consumed on the premises where sold, twenty-five dollars (\$25).

"(e) The commissioners court of the several counties in this State shall have the power to levy and collect from every person, firm, corporation, or association of persons, manufacturing and selling, or selling non-intoxicating beer a license tax equal to one-half ($\frac{1}{2}$) of the State license tax levy; and where any such license tax is assessed in any incorporated city or town such city or town shall have the power to levy and collect a license tax equal to that levied by the commissioners court of the county in which such city or town is located.

"Sec. 6. There is hereby levied on all sales in intrastate commerce in this State of non-intoxicating beer a tax of one-half ($\frac{1}{2}$) of one cent (1c) per bottle; such tax shall be paid only once on account of any non-intoxicating

ing beer so sold by the person, firm, or corporation making the first sale thereof in intrastate commerce in this State, and the payment shall be evidenced by stamps purchased from the State Treasurer and properly cancelled and securely affixed to the bottle containing same covering the amount of tax levied by this Act; providing that such stamps may be purchased, cancelled, and fixed to such bottle by the manufacturer or distributor outside this State, in which case no further payment of the tax shall be required.

"Sec. 7. It is the purpose and intent of this Act to relieve retail dealers in non-intoxicating beer in this State from all accountability by reason of sales thereof, except to make it unlawful to sell non-intoxicating beer on which the tax levy has not been paid and which is not contained in a bottle to which is securely affixed the stamps evidencing payment of the tax as required by this Act, and to see that stamps are cancelled and, after the contents of said bottle have been sold and consumed, is removed therefrom.

"Sec. 8. It shall be the duty of the State Treasurer to have engraved or printed the stamps necessary to comply with this Act and to sell same to all manufacturers, jobbers, distributors, and wholesale dealers upon demand and payment therefor, and one-half ($\frac{1}{2}$) of the proceeds of such sale shall be placed to the credit of the State Available School Fund and one-half ($\frac{1}{2}$) to the General Fund, and the State Treasurer shall be responsible for the custody and sale of such stamps and for the proceeds of such sales under his official bond. Such stamps shall be of such design as the State Treasurer shall from time to time prescribe and shall state the amount of tax the payment of which is evidenced thereby and shall contain the words 'Texas State Tax Paid.'

"Sec. 9. No manufacturer, jobber, distributor, or wholesaler, herein defined, of non-intoxicating beer, shall own any interest in the business of any retail dealer in non-intoxicating beer, either directly or indirectly, through any officer, or agent, or employe, or own any interest of any kind or character in the premises in which any such retail beer dealer conducts his or its business.

"Sec. 10. Any person, firm, corporation, or association of persons, desiring a license as a manufacturer of non-intoxicating beer with authority to manufacture, or brew such non-intoxicating beer and sell same in bottles not to be opened and consumed on the premises where sold by such manufacturer, may in vacation or term time file petition with the judge of the county in which the applicant desires to engage in such business, which petition shall state that the applicant, if an individual is a law-abiding, taxpaying citizen of the State of Texas over the age of 21 years and has been a resident of the county wherein such license is sought for more than five (5) years next before the filing of such petition; and if the applicant is a co-partnership or association of persons, such application shall state that all members of the co-partnership or association are law-abiding citizens of the State of Texas, over the age of 21 years and have all been residents of the county wherein such license is sought for more than two (2) years next before filing of such petition; and where the applicant is a corporation the application shall show that the applicant is organized and chartered under the laws of the State of Texas with its principal place of business in the county wherein such license is sought and has complied with the corporation laws of the State of Texas applicable to such corporation.

"Upon the filing of the petition herein provided for, the county judge shall set same for a hearing at a date not less than ten (10) or more than twenty (20) days from the filing of same and, if, upon the trial or hearing thereof, he finds the facts stated in such petition are true he shall grant a license such as prayed for; provided, however, that upon the filing of such petition the clerk of the county court shall give notice of the filing thereof by posting on the courthouse door a written notice of such petition together with the substance thereof, and the petition when filed shall remain with said clerk until same is acted upon by the county judge, and shall be open to the inspection of any person desiring to see same. Any citizen shall be permitted to contest the facts stated in such petition and the applicant's right to obtain the license sought, upon giving security for all costs which may be incurred in such suit, should the same be de-

cided in favor of applicant; provided no county or district attorney shall be required to give bond for such costs, but the county or state, as the case may be, shall be liable therefor.

"Any person, firm, or corporation desiring a license as a distributor, jobber, or wholesale dealer shall make application for license to engage in the business of distributor, jobber, or wholesale dealer in intoxicating beer in like manner as herein provided for manufacturers of non-intoxicating beer, and such license shall be issued only on the terms and conditions hereinabove provided for manufacturers.

"Any person, firm, corporation, or association of persons desiring license as retail dealer in non-intoxicating beer with authority to sell such non-intoxicating beer in bottles to be opened and consumed on the premises where sold, or desiring license as a retail dealer of non-intoxicating beer with authority to sell such non-intoxicating beer in bottles not to be opened or consumed on the premises, may in vacation or term time file petition with the county judge of the county in which applicant desires to engage in such business, which petition shall state that the applicant is a law-abiding taxpaying citizen of the State of Texas, over the age of 21 years and has been a resident of the county wherein such license is sought for more than two (2) years next before filing of such petition, and shall state whether he desires to obtain such license with authority to sell such non-intoxicating beer in bottles to be opened and consumed on the premises where sold or whether he desires authority to sell non-intoxicating beer not to be opened and consumed on the premises where sold; and in the case the applicant is a firm or association of persons, such petition shall show that all members of the firm or association of persons are law-abiding tax-paying citizens of the State of Texas, over the age of 21 years, and have been residents of the county where such license is sought for more than two (2) years next before filing of such petition. And where applicant is a corporation such application shall show that such corporation is organized under the laws of the State of Texas and that a majority of its stock is owned by law-abiding tax-paying citizens of the State of Texas; that his, its, or their license as a retail dealer in non-intoxicating beer has not been revoked or forfeited for five

(5) years next before filing of such petition. Upon the filing of the petition herein provided for the county judge shall set same for hearing at a time not less than ten (10) or more than twenty (20) days from the filing of same, and if, upon the trial or hearing thereof, he finds that the facts stated in such petition are true he shall grant a license such as prayed for; provided, however, that upon filing of such petition the clerk of the county court shall give notice of filing thereof by posting on the courthouse door a written notice of such petition together with the substance thereof and the petition when filed shall remain with said clerk until same is acted upon by the county judge and shall be open to inspection of any person desiring to see the same. Any citizen shall be permitted to contest the facts stated in such petition and the applicant's right to obtain license sought, upon giving security for all costs which may be incurred in such suit, should same be decided in favor of applicant; provided no county or district attorney shall be required to give bond for such costs, but county or State, as the cause may be, shall be liable therefor.

"Sec. 11. Upon granting of license by the county judge as provided for herein the clerk shall furnish the applicant with a certified copy of judgment; when exhibited to the county tax collector said collector shall receive license tax provided to be paid by such applicant for license, and issue to such applicant a receipt therefor showing the amount paid, date of payment, for what paid, whether a manufacturer, distributor, jobber, wholesale dealer, or retail dealer in non-intoxicating beer, with authority to sell non-intoxicating beer in bottles to be opened and consumed on the premises, or whether license for dealers in non-intoxicating beer, with authority to sell non-intoxicating beer not to be opened and consumed on the premises, and where such business is to be conducted.

"Sec. 12. Upon the presentation to the county clerk by the applicant of the tax collector's receipt provided for in the preceding Section, he shall examine such receipt, and if the receipt conforms to the judgment authorizing same, he shall issue to the applicant the proper license, which shall be by him signed, be under the seal of his

office, be dated, state on its face for what it is issued, date when it will expire, by whom and where such business is to be conducted, and shall describe the place where same is to be kept, and whether licensee is authorized to manufacture and sell or to distribute as a wholesaler, or to make retail sales of non-intoxicating beer in bottles to be or not to be opened and consumed on the premises.

"In the event of the death of any licensee under this Act, or the dissolution of any corporation, firm, or association of persons, leaving unearned portion of any license issued under this Act, the heirs, executors, administrators, or legal representatives of such deceased person, or surviving partner of any such firm, or director of any such corporation, or association of persons, may present the license of such person to the State and county and receive payment of the unearned portion of license tax collected by them, respectively.

"The clerk of the county court shall make out a statement of all such license granted by him, and the amount paid the collector on each for State and county taxes, and report same to the Comptroller of Public Accounts of the State.

"Sec. 13. Any person, firm, corporation, or association of persons who shall manufacture for sale, or sell, directly or indirectly, any non-intoxicating beer without taking out a license as a manufacturer, jobber, distributor, wholesale dealer, or retail dealer, as provided in this Act, and any officer, agent, or employe of any person, firm, or corporation not having license who shall manufacture, or sell, directly or indirectly, any non-intoxicating beer shall, upon conviction therefor, be punished by a fine of not less than two hundred dollars (\$200), nor more than five hundred dollars (\$500), or by imprisonment in the county jail for more than one year, or by both such fine and imprisonment.

"No manufacturer, jobber, distributor, or wholesale dealer, nor retail dealer in non-intoxicating beer, shall carry on said business at more than one place at the same time, or under the same license, nor shall any such license be voluntarily assigned more than once, but before assignee of such license can engage in business thereunder he, or they, shall comply with the provisions of this Act as required by original licensee; and provided fur-

ther, that the sale of such license, whether in the name of the original licensee or assignee, may be made under execution or mortgage, and the purchaser of such license in such sale shall have the right to surrender such license to the State or county which issued the tax receipt, which is the basis thereof, and shall receive therefor the pro rata unearned portion of such license; provided, that should said original licensee, or his assignee, desire to change the place designated in said license, he may do so by applying to the county judge, as in the case of the original application for license, as provided in this Act.

"Sec. 14. After this Act shall take effect any person, firm, corporation, or association of persons who shall knowingly and wilfully sell, or offer for sale in this State, either as principal or agent, any non-intoxicating beer, except in bottles containing not more than twelve (12) fluid ounces, and bearing stamps properly canceled, evidencing the payment of tax thereon as levied by this Act, shall, for each sale, upon conviction, be fined not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), or be punished by imprisonment in the county jail for no less than thirty (30) days, nor more than one year, or by both such fine and imprisonment. And any person, firm, corporation, or association of persons, whether as principal or agent, who shall sell, or offer for sale, or aid in the sale of any such non-intoxicating beer in bottles not bearing stamps properly canceled, evidencing the payment of tax as levied by this Act, shall be liable to the State for penalty of five hundred dollars (\$500) for each such unlawful sale, to be recovered at the suit of the State in any district court of Travis County, Texas, for the benefit of the State Available School Fund.

"Sec. 15. Any person, other than the State Treasurer, or his duly authorized agent, who shall print, or engrave, or directly aid in, or cause, the printing or engraving of any stamp or stamps evidencing, or purporting to evidence, the payment of any tax levied by this Act, or who shall use or consent to the use of any counterfeit or unauthorized stamps in connection with the sale, or offering for sale, of any non-intoxicating beer, or shall place, or cause to be placed,

on any bottle containing or to contain such non-intoxicating beer, any such unauthorized or counterfeit stamps, shall, upon conviction, be punished by imprisonment in the penitentiary for not less than two (2) years, nor more than twenty (20) years.

"Sec. 16. It shall be unlawful for any person, firm, or corporation to sell, or offer for sale in this State, whether as principal or agent, any beer, except the same shall be sold or offered for sale in the original bottle bearing the original label with the full name of the brewer or manufacturer thereof, both upon the label on the bottle and upon the cap or cork of such bottle.

"Any person, firm, or corporation, or association of persons, whether as principal or agent, violating the provisions of this section shall, upon conviction, be fined not less than twenty-five dollars (\$25), nor more than five hundred dollars (\$500), or be punished by imprisonment in the county jail for not less than ten (10) days, nor more than one year, or by both fine and imprisonment.

"Sec. 17. Any person, whether as principal or agent of any firm, corporation, or association of persons, engaged in the business of manufacturing and selling, or in the business of distributing and selling, or in the retail business of selling non-intoxicating beer under license which does not permit such bottles of beer to be opened and consumed on the premises where sold, who shall permit any bottle of such beer so manufactured and sold, or distributed and sold, to be opened and consumed on the premises where sold, shall, upon conviction, be punished by imprisonment in the penitentiary for not less than two (2) years, nor more than five (5) years.

"Sec. 18. Any license required by this Act shall be shown in some conspicuous place in the house where the business for which such license is necessary is carried on before the licensee engages in such business or occupation; and any person, firm, or corporation so licensed who fails to so show same shall be fined not exceeding five hundred dollars (\$500).

"Sec. 19. In addition to the penalties herein provided for, any licensee convicted of violating any of the provisions of this Act shall forfeit his license herein provided to be issued

for the manufacture and sale, or distributing and sale, or retail sale, of non-intoxicating beer; and no license shall be issued any manufacturer, jobber, distributor, or wholesale dealer or retail dealer in non-intoxicating beer whose license for any of such occupations has been revoked or forfeited within five (5) years before the filing of his application for license.

"Sec. 20. In case the license of any licensee hereunder is forfeited under the provisions of this Act nevertheless such licensee shall be authorized to sell or dispose of in bulk any stock of non-intoxicating beer he may have on hand at the time such license is forfeited.

"Sec. 21. The fact that beer containing not more than three and two-tenths per centum (3.2%) of alcohol by weight is not in fact intoxicating and that it is proper to regulate the sale thereof, and necessary to provide the additional revenue which will accrue from the taxation of such business, creates an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be suspended, and said rule is so suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Mr. Mathis offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 122 by adding thereto the following, to be known as Section 20-a.

"Section 20-a. This Act shall be effective and become the law only if as and when House Joint Resolution No. 43 of the Forty-third Legislature shall have been adopted as an amendment to the Constitution of Texas."

MATHIS,

ANDERSON of Bexar.

The amendment was adopted.

Mr. Good offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 122 by inserting the following numbered section between lines 10 and 11, page 10, and renumber the last Section No. 31:

"Section 21. The commissioners court of each county in the State, whenever they deem it expedient, may

order an election to be held by the qualified voters of said county, to determine whether or not the sale of beer containing not more than three and two-tenths (3.2) per centum of alcohol by weight shall be prohibited in such county, justice precinct, town, or city; provided, it shall be the duty of said commissioners court to order the election as aforesaid whenever petitioned to do so by as many as 10 per cent of the qualified voters of said county or political subdivision not to exceed 500 voters in any county."

Amend committee amendment to House Bill No. 122 by adding, after Section 21, another section to be numbered 21-a, as follows:

"Section 21-a. Provided, that beer containing not more than three and two-tenths (3.2) per centum of alcohol by weight shall not be sold for beverage purposes in any county, justice's precinct, town, city, or political subdivision where, under the local option provision of the State Constitution and statutes, as such existed prior to the adoption of the State-wide prohibition amendment, such political subdivision had voted (at the last such election) to prohibit the sale of intoxicating liquors, unless and until the question shall be submitted to the qualified voters of such county, justice's precinct, town, city, or political subdivision as herein provided, and a majority of the qualified voters voting in such election shall vote not to prohibit such sale.

"Sec. 22. When the commissioners court, of their own motion, or upon the petition provided for, shall order the election as herein provided for, it shall be the duty of said court to order such election to be held at the voting places within such subdivision or county, upon a day not less than fifteen nor more than thirty days from the date of said order; and the order thus made shall express the object of such election and shall be held to be prima facie evidence that all the provisions necessary to give it validity, or to clothe the court with jurisdiction to make it, have been fully complied with; provided that said court shall appoint such officers to hold such election as now required to hold general elections.

"Sec. 23. The clerk of said court shall post, or cause to be posted, at least one copy of said order in each

election precinct in such county, for at least twelve days prior to the day of election, which election shall be held and the returns thereof made in conformity with the provisions of the general laws of the State, and by the officers of election appointed and qualified under such laws.

"Sec. 24. At said election the vote shall be by official ballot, which shall have printed or written at the top thereof in plain letters the words, 'official ballot.' Said ballot shall have also written or printed thereon the words, 'For the sale of beer containing not more than 3.2 per cent of alcohol by weight,' and the words, 'Against the sale of beer containing not more than 3.2 per cent of alcohol by weight.' And the clerk of the county court shall furnish the presiding officer of each voting box within such subdivision or county with a number of such ballots, to be not less than twice the number of qualified voters at such voting boxes, and the presiding officer of each such voting box shall write his name on the back of each ballot before delivering the same to the voter, and the persons offering to vote at such election shall, at the time he offers to vote, be furnished by such presiding officer with one such ballot; and no voter shall be permitted to depart with such ballot, and shall not be assisted in voting by any person except such presiding officer, or by some officer assisting in the holding of such election, under the direction of such presiding officer when requested to do so by such voter.

"Those who favor the sale of beer containing not more than 3.2 per cent alcohol by weight within the county, shall erase the words, 'Against the sale of beer containing not more than 3.2 per cent alcohol by weight,' by making a pencil mark through same, and those who oppose it shall erase the words, 'For the sale of beer containing not more than 3.2 per cent of alcohol by weight,' by making a pencil mark through same. No ballot shall be received or counted by the officers of such election that is not an official ballot, and that has not the name of the presiding officer of such election written thereon in the handwriting of such presiding officer, as provided by this Article.

"Sec. 25. The officers holding said election shall, in all respects not herein specified, conform to the general

election laws in force regulating elections; and after the polls are closed shall proceed to count the votes, and, within ten days thereafter make due report of said election to the aforesaid court.

"Sec. 26. Said court shall hold a special session on the eleventh day after the holding of said election, or as soon thereafter as practical, for the purpose of opening the polls and counting the votes; and, if a majority of the votes are 'For the sale of beer containing not more than 3.2 per cent of alcohol by weight,' said court shall immediately make an order declaring the results of said vote, and absolutely prohibiting the sale of beer containing not more than 3.2 per cent of alcohol by weight within the county, until such time as the qualified voters therein may, at a legal election held for that purpose, by a majority vote decide otherwise; and the order thus made shall be held to be prima facie evidence that all the provisions of law have been complied with in giving notice of and holding said election, and counting and returning the votes, and declaring the result thereof.

"Sec. 27. The order of said court declaring the result and prohibiting the sale of beer containing not more than 3.2 per cent of alcohol by weight shall be published for four successive weeks in some newspaper published in the county wherein such election has been held. If there be no newspaper published in the county, then the county judge shall cause publication to be made by posting copies of said order at three public places within the county for the aforesaid length of time. The fact of publication in either mode shall be entered by the county judge on the minutes of the commissioners court. An entry thus made, or a copy thereof certified under the hand and seal of the clerk of the court, shall be sufficient prima facie evidence of such fact of publication.

"Sec. 28. If a majority voting at such election vote 'Against the sale of beer containing not more than 3.2 per cent of alcohol by weight,' the court shall make an order declaring the results, and have the same entered of record in the office of the clerk of said court.

Sec. 29. In all cases where any person, firm, or association of persons

pursuing the occupation of selling beer containing not more than 3.2 per cent of alcohol by weight under licenses issued in accordance with the laws of this State has been, or shall hereafter be, prevented from pursuing such occupation for the full time to which he would be otherwise entitled by reason of the adoption of local option in any county, a proportionate amount of taxes paid by him for the unexpired term shall be refunded to him.

"Sec. 30. If and when an election is held under the provisions of this Act, and the manufacture, or transportation for sale, or the sale, of 3.2 per cent beer is prohibited thereunder, then any person who shall manufacture, or transport for sale, or sell, any beer containing more than one-half of 1 per cent by weight of alcohol in such county, he shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum of not more than five hundred dollars (\$500), or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment."

GOOD,
CAMP,
CATHEY,
CROSSLEY,
WOOD.

The amendment was adopted.

Mr. McDougald offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 122 by adding a section to be known as Section 1-a, at the end of line 35, page 1, of the printed bill, to read as follows:

"When, in any criminal cause in this State, a person is charged with driving an automobile while in a state of intoxication, it shall be no defense therefor when such state of intoxication has been produced by the drinking of beer containing not more than three and two-tenths (3.2) per centum of alcohol by weight."

McDOUGALD,
FAIN.

The amendment was adopted.

Mr. McGregor offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 122 by providing

therein that beer may be sold from kegs and by the glass as well as in bottles.

McGREGOR,
McCLAIN,
DEVALL.

Mr. Bradley offered the following substitute for the amendment by Mr. McGregor:

Substitute for the amendment to committee amendment No. 1 to House Bill No. 122, the following:

Amend committee amendment No. 1 to House Bill No. 122 by providing therein that beer may be sold from kegs and by bottles, but not by the glass, and shall not be consumed on the premises where sold.

BRADLEY,
ADAMSON.

Mr. Morse moved the previous question on the pending amendments, amendments on the Speaker's desk, and the bill, and the main question was ordered.

Question first recurring on the substitute amendment by Mr. Bradley, it was lost.

Question then recurring on the amendment by Mr. McGregor, it was adopted.

Mr. McGregor offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 122, Section 10, page 5, printed bill, line 23, by striking out the words "bottles," "opened and"

McGREGOR,
McCLAIN.

The amendment was adopted.

Mr. McGregor offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 122, Section 3, line 12, by striking out the word "only," and insert in lieu thereof the words "and from kegs."

McGREGOR,
McCLAIN,
SCARBOROUGH.

The amendment was adopted.

Mr. McGregor offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 122, Section 2, line 37, by striking out the word "only," and by adding after the word "ounces" in

line 38, the words "and from kegs," and by striking out the word "only," in line 40, and by adding the words, "and from kegs."

McGREGOR,
McCLAIN.

The amendment was adopted.

Mr. Kayton offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 122, page 10, by adding a new Section after Section 20, to be known as Section 20-a, to read as follows:

"Section 20-a. Nothing in Article 5098, Title 80, Revised Civil Statutes of Texas, 1925, and/or in Article 680, of Chapter 7, Revised Criminal Statutes of Texas, 1925, shall apply to the advertising of any vinous or malt beverage as defined in this Act."

The amendment was adopted.

Mr. Puryear offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 122, page 2, line 31, by striking out the words and figures "five hundred dollars (\$500)," and inserting in lieu thereof the words and figures "one thousand dollars (\$1,000)."

FAIN,
PURYEAR.

The amendment was lost.

Mr. Stovall offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 122, page 3, line 2, by striking out the words and figures "twenty-five dollars (\$25)," and inserting in lieu thereof the words and figures "fifty dollars (\$50)."

STOVALL,
FAIN.

Question recurring on the amendment by Mr. Stovall, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—55

Aikin.	Butler.
Alexander.	Camp.
Anderson	Canon.
of Johnson.	Chastain.
Barrett.	Daniel.
Bourne.	Fain.
Burns.	Glass.

Graves.	Parkhouse.
Harman.	Puryear.
Harris.	Ratliff.
Head.	Reed of Bowie.
Hodges.	Riddle.
Hyder.	Rollins.
Jones of Atascosa.	Russell.
Jones of Runnels.	Scott.
Jones of Shelby.	Shults.
Kyle of Hays.	Smith.
Latham.	Stovall.
Lemens.	Sullivant.
Leonard.	Tarwater.
Lindsey.	Tennyson.
Lotief.	Thomas.
Magee.	Townsend.
McDougald.	Turlington.
Merritt.	Van Zandt.
Mitcham.	Wagstaff.
Morrison.	Wells.
Munson.	Wood.

Nays—76

Adamson.	Hunt.
Alsup.	Jackson.
Anderson	James.
of Bexar.	Jefferson.
Baker.	Johnson
Bedford.	of Anderson.
Bradley.	Kayton.
Calvert.	Kyle of Palo Pinto.
Cathey.	Long.
Caven.	Mackay.
Clayton.	Mathis.
Colson.	McClain.
Coombes.	McGregor.
Cowley.	McKee.
Crossley.	Moore.
Davidson.	Morse.
Dean.	Nicholson.
Devall.	Palmer.
Dunlap.	Patterson.
Dunagan.	Pavlica.
Duval.	Pope.
Dwyer.	Ramsey.
Engelhard.	Reader.
Ford.	Reed of Dallas.
Fuchs.	Roberts.
Golson.	Rogers of Hunt.
Goodman.	Rogers
Greathouse.	of Ochiltree.
Griffith.	Ross.
Hankamer.	Savage.
Harrison.	Scarborough.
Hartzog.	Shannon.
Hicks.	Stanfield.
Hill of Brazoria.	Steward.
Hill of Webb.	Stinson.
Holekamp.	Tillery.
Holloway.	Walker.
Hoskins.	Weinert.
Huddleston.	Young.
Hughes.	

Present—Not Voting

Fisher.	Moffett.
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Absent

Barron.	Metcalf.
Beck.	Ray.
Good.	Renfro.
Haag.	Vaughan.
Holland.	West.
Laird.	Winningham.

Absent—Excused

Few.	Johnson
Hester.	of Dimmit.
	McCullough.

Mr. Jones of Runnels offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 122, page 2, lines 37 and 38 by striking out the words and figures "one hundred dollars (\$100)," and inserting in lieu thereof the words and figures "two hundred dollars (\$200)."

JONES of Runnels,
FAIN.

The amendment was lost by the following vote:

Yeas—55

Aikin.	Lemens.
Anderson	Leonard.
of Johnson.	Lindsey.
Barrett.	Lotief.
Bourne.	Magee.
Bradley.	Mitcham.
Burns.	Morrison.
Butler.	Munson.
Camp.	Parkhouse.
Canon.	Puryear.
Chastain.	Ratliff.
Daniel.	Reed of Bowie.
Fain.	Riddle.
Fisher.	Rollins.
Glass.	Scott.
Graves.	Shults.
Greathouse.	Smith.
Harman.	Stanfield.
Head.	Stovall.
Hodges.	Sullivant.
Hughes.	Tarwater.
Hunt.	Thomas.
Jones of Atascosa.	Townsend.
Jones of Runnels.	Turlington.
Jones of Shelby.	Wagstaff.
Kyle of Hays.	Walker.
Laird.	Wells.
Latham.	Wood.

Nays—74

Adamson.	Baker.
Alexander.	Barron.
Alsup.	Bedford.
Anderson	Calvert.
of Bexar.	Caven.

Clayton.	Johnson
Colson.	of Anderson.
Coombes.	Kayton.
Cowley.	Mackay.
Crossley.	Mathis.
Devall.	McClain.
Dunlap.	McDougald.
Dunagan.	McGregor.
Duvall.	McKee.
Dwyer.	Merritt.
Engelhard.	Moore.
Ford.	Morse.
Fuchs.	Nicholson.
Golson.	Palmer.
Good.	Patterson.
Goodman.	Pavlica.
Griffith.	Pope.
Hankamer.	Ramsey.
Harris.	Reader.
Harrison.	Reed of Dallas.
Hartzog.	Roberts.
Hicks.	Rogers of Hunt.
Hill of Brazoria.	Rogers
Hill of Webb.	of Ochiltree.
Holekamp.	Ross.
Holland.	Russell.
Holloway.	Savage.
Hoskins.	Scarborough.
Huddleston.	Shannon.
Hyder.	Steward.
Jackson.	Stinson.
James.	Tennyson.
Jefferson.	Tillery.
	Weinert.

Absent

Beck.	Moffett.
Cathey.	Ray.
Davidson.	Renfro.
Dean.	Van Zandt.
Haag.	Vaughan.
Kyle of Palo Pinto.	West.
Long.	Winningham.
Metcalfe.	Young.

Absent—Excused

Few.	Johnson
Hester.	of Dimmit.
	McCullough.

Mr. Lindsey offered the following amendment to the committee amendment:

Amend House Bill No. 122, page 2, lines 34 and 35, by striking out the words and figures "two hundred dollars (\$200)," and inserting in lieu thereof the words and figures "four hundred dollars (\$400)."

LINDSEY,
LOTIEF,
FAIN.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—51

Adamson.	Latham.
Aikin.	Lemens.
Alexander.	Leonard.
Alsup.	Lindsey.
Anderson	Long.
of Johnson.	Lotief.
Barrett.	Magee.
Bourne.	Mitcham.
Burns.	Morrison.
Butler.	Parkhouse.
Camp.	Puryear.
Canon.	Ratliff.
Chastain.	Reed of Bowie.
Daniel.	Rollins.
Engelhard.	Scott.
Fain.	Shults.
Fisher.	Stovall.
Glass.	Tarwater.
Graves.	Tennyson.
Harman.	Thomas.
Head.	Townsend.
Hodges.	Turlington.
Hunt.	Wagstaff.
Jones of Runnels.	Walker.
Jones of Shelby.	Wells.
Kyle of Hays.	Wood.

Nays—78

Anderson	Huddleston.
of Bexar.	Hughes.
Baker.	Hyder.
Beck.	Jackson.
Bedford.	James.
Bradley.	Jefferson.
Calvert.	Johnson
Caven.	of Anderson.
Clayton.	Jones of Atascosa.
Colson.	Kayton.
Coombes.	Kyle of Palo Pinto.
Cowley.	Laird.
Crossley.	Mackay.
Dean.	Mathis.
Devall.	McClain.
Dunlap.	McDougald.
Dunagan.	McGregor.
Duvall.	McKee.
Dwyer.	Merritt.
Ford.	Moore.
Fuchs.	Morse.
Golson.	Munson.
Good.	Nicholson.
Goodman.	Palmer.
Greathouse.	Patterson.
Griffith.	Pavlica.
Hankamer.	Pope.
Harris.	Ramsey.
Hartzog.	Reader.
Hicks.	Reed of Dallas.
Hill of Brazoria.	Roberts.
Hill of Webb.	Rogers of Hunt.
Holekamp.	Rogers
Holland.	of Ochiltree.
Holloway.	Ross.
Hoskins.	Russell.

Savage.
Scarborough.
Shannon.
Stanfield.
Steward.

Tillery.
Van Zandt.
Weinert.
Young.

Absent

Barron.
Cathey.
Davidson.
Haag.
Harrison.
Metcalf.
Moffett.
Ray.

Renfro.
Riddle.
Smith.
Stinson.
Sullivant.
Vaughan.
West.
Winningham.

Absent—Excused

Few.
Hester.

Johnson
of Dimmit.
McCullough.

Mr. Latham offered the following amendment to the committee amendment:

Amend House Bill No. 122, page 8, Section 14, line 21 by adding after the word "Act," the following "or who shall knowingly or wilfully sell any such beer to any person under the age of eighteen years."

LATHAM,
WAGSTAFF,
PARKHOUSE,
FAIN,
MOFFETT.

The amendment was adopted.

Mr. Bedford offered the following amendment to the committee amendment:

Amend House Bill No. 122 by striking out Section 9 and renumber the succeeding sections accordingly.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—17

Bedford.
Dean.
Devall.
Duvall.
Fisher.
Hankamer.
Hill of Webb.
Hodges.
Hunt.

Jackson.
Johnson
of Anderson.
Mackay.
Nicholson.
Ratliff.
Shults.
Thomas.
Van Zandt.

Nays—117

Adamson.
Aikin.
Alexander.
Alsop.

Anderson
of Bexar.
Anderson
of Johnson.

Baker.
Barrett.
Barron.
Beck.
Bourne.
Bradley.
Burns.
Butler.
Calvert.
Camp.
Canon.
Cathey.
Caven.
Chastain.
Clayton.
Coombes.
Cowley.
Crossley.
Daniel.
Dunagan.
Dwyer.
Engelhard.
Fain.
Ford.
Fuchs.
Glass.
Golson.
Good.
Goodman.
Graves.
Greathouse.
Griffith.
Harman.
Harris.
Harrison.
Hartzog.
Head.
Hicks.
Hill of Brazoria.
Holekamp.
Holland.
Holloway.
Hoskins.
Huddleston.
Hughes.
Hyder.
James.
Jefferson.
Jones of Atascosa.
Jones of Runnels.
Jones of Shelby.
Kayton.
Kyle of Hays.
Kyle of Palo Pinto.
Laird.
Latham.

Lemens.
Leonard.
Lindsey.
Long.
Lotief.
Magee.
Mathis.
McClain.
McDougald.
McGregor.
Merritt.
Mitcham.
Moffett.
Moore.
Morrison.
Morse.
Munson.
Palmer.
Parkhouse.
Patterson.
Pavlica.
Pope.
Puryear.
Ramsey.
Reader.
Reed of Bowie.
Reed of Dallas.
Riddle.
Roberts.
Rogers of Hunt.
Rogers
of Ochiltree.
Rollins.
Ross.
Russell.
Savage.
Scarborough.
Scott.
Shannon.
Smith.
Stanfield.
Steward.
Stinson.
Stovall.
Sullivant.
Tarwater.
Tennyson.
Tillery.
Townsend.
Turlington.
Wagstaff.
Walker.
Weinert.
Wells.
Wood.
Young.

Absent

Colson.
Davidson.
Dunlap.
Haag.
McKee.
Metcalf.

Ray.
Renfro.
Vaughan.
West.
Winningham.

Absent—Excused

Few.

Hester.

Johnson
of Dimmit.

McCullough.

Mr. Stinson offered the following amendment to the committee amendment:

Amend committee substitute to House Bill No. 122, Section 6, line 14, by striking out the words and figures "½ of one cent" and substitute in lieu thereof the words and figures "1 cent."

STINSON,
VAN ZANDT.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—91

Adamson.	Jones of Shelby.
Aikin.	Kyle of Hays.
Alexander.	Kyle of Palo Pinto.
Alsup.	Laird.
Anderson	Latham.
of Johnson.	Lemens.
Barrett.	Leonard.
Barron.	Lindsey.
Bedford.	Long.
Bourne.	Lotief.
Burns.	Magee.
Butler.	Mackay.
Calvert.	McDougald.
Camp.	Merritt.
Canon.	Mitcham.
Cathey.	Moffett.
Caven.	Morrison.
Chastain.	Munson.
Colson.	Palmer.
Coombes.	Parkhouse.
Cowley.	Puryear.
Daniel.	Ramsey.
Dean.	Ratliff.
Dunagan.	Reed of Bowie.
Fain.	Riddle.
Fisher.	Roberts.
Glass.	Rogers of Hunt.
Golson.	Rollins.
Goodman.	Ross.
Graves.	Russell.
Greathouse.	Scarborough.
Griffith.	Scott.
Harman.	Shannon.
Harris.	Shults.
Hartzog.	Smith.
Head.	Stanfield.
Hodges.	Stinson.
Holloway.	Stovall.
Hughes.	Sullivant.
Hunt.	Tarwater.
Hyder.	Tennyson.
Johnson	Thomas.
of Anderson.	Turlington.
Jones of Atascosa.	Van Zandt.
Jones of Runnels.	Wagstaff.

Walker.
Wells.

Wood.

Nays—39

Anderson	Jackson.
of Bexar.	James.
Baker.	Jefferson.
Beck.	Kayton.
Bradley.	Mathis.
Clayton.	McGregor.
Crossley.	McKee.
Devall.	Moore.
Duvall.	Morse.
Dwyer.	Patterson.
Engelhard.	Pavlica.
Ford.	Pope.
Fuchs.	Reader.
Hankamer.	Reed of Dallas.
Harrison.	Rogers
Hicks.	of Ochiltree.
Hill of Brazoria.	Steward.
Hill of Webb.	Tillery.
Holekamp.	Townsend.
Holland.	Weinert.
Huddleston.	

Absent

Davidson.	Ray.
Dunlap.	Renfro.
Good.	Savage.
Haag.	Vaughan.
Hoskins.	West.
McClain.	Winningham.
Metcalfe.	Young.
Nicholson.	

Absent—Excused

Few.	Johnson of Dimmit.
Hester.	McCullough.

Mr. Lemens moved to reconsider the vote by which the previous question was ordered.

The motion to reconsider was lost by the following vote:

Yeas—51

Adamson.	Jones of Shelby.
Aikin.	Kyle of Hays.
Alsup.	Laird.
Anderson	Latham.
of Bexar.	Lemens.
Anderson	Lindsey.
of Johnson.	Lotief.
Bedford.	Magee.
Burns.	McDougald.
Butler.	Merritt.
Camp.	Mitcham.
Canon.	Moffett.
Daniel.	Munson.
Engelhard.	Parkhouse.
Golson.	Puryear.
Graves.	Ratliff.
Harman.	Reader.
Head.	Reed of Bowie.
Hodges.	Riddle.
Hunt.	Roberts.
Jones of Runnels.	Rogers of Hunt.

Rollins.	Turlington.
Scott.	Van Zandt.
Smith.	Wagstaff.
Stovall.	Walker.
Sullivant.	Wells.
Thomas.	

Nays—79

Alexander.	Hughes.
Baker.	Hyder.
Barrett.	Jackson.
Barron.	James.
Beck.	Jefferson.
Bourne.	Johnson
Bradley.	of Anderson.
Calvert.	Jones of Atascosa.
Cathey.	Kayton.
Caven.	Kyle of Palo Pinto.
Clayton.	Long.
Colson.	Mackay.
Cowley.	Mathis.
Crossley.	McClain.
Davidson.	McGregor.
Devall.	McKee.
Dunlap.	Moore.
Dunagan.	Morrison.
Duvall.	Morse.
Dwyer.	Nicholson.
Fain.	Palmer.
Fisher.	Patterson.
Ford.	Pavlica.
Fuchs.	Pope.
Glass.	Ramsey.
Good.	Reed of Dallas.
Goodman.	Ross.
Greathouse.	Russell.
Hankamer.	Savage.
Harris.	Scarborough.
Harrison.	Shannon.
Hartzog.	Shults.
Hicks.	Stanfield.
Hill of Brazoria.	Steward.
Hill of Webb.	Stinson.
Holekamp.	Tarwater.
Holland.	Tillery.
Holloway.	Townsend.
Hoskins.	Weinert.
Huddleston.	Wood.

Present—Not Voting

Young.

Absent

Chastain.	Ray.
Coombes.	Renfro.
Dean.	Rogers of Ochiltree.
Griffith.	Tennyson.
Haag.	Vaughan.
Leonard.	West.
Metcalfe.	Winningham.

Absent—Excused

Few.	Johnson of Dimmit.
Hester.	McCullough.

Question then recurring on the committee amendment, as amended, it was adopted.

Mr. Mathis offered the following amendment to the bill:

Amend House Bill No. 122 by striking out all above the enacting clause, and inserting in lieu thereof the following:

"H. B. No. 122,

A BILL

To Be Entitled

An Act to regulate the manufacture for sale and sale of non-intoxicating beer; defining non-intoxicating beer; providing that such non-intoxicating beer shall be sold only in bottles; imposing an occupation tax upon all persons, firms, corporations, and association of persons engaged in the business of manufacturing for sale or selling such non-intoxicating beer in intrastate business within the State of Texas, including all such persons, firms, corporations or associations of persons importing non-intoxicating beer into the State and selling same in intrastate commerce in this State; providing for the basis upon which said tax shall be computed; prescribing the manner and method and date of payment thereof; prescribing certain duties for State Treasurer with reference to the collection of said tax; defining 'manufacturers,' 'wholesale dealers,' 'jobbers,' and 'distributors' of non-intoxicating beer and regulating the business thereof; defining 'retail dealers,' and regulating the business thereof; requiring manufacturers, wholesale dealers, jobbers, distributors, and retail dealers to secure license to manufacture for sale and sell non-intoxicating beer and prescribing the terms and conditions upon which such license may be issued; providing for the refund of any unearned portion of the license on the death or dissolution of licensee; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses granted, prescribing certain penalties of violations of this Act and providing penalties, fines, and punishment thereof; providing for the appropriation and use of revenues collected hereunder; providing when this Act shall be effective, and declaring an emergency."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 122 was then passed to engrossment by the following vote:

Yeas—110

Adamson.	Jones of Atascosa.
Alexander.	Kayton.
Alsup.	Kyle of Palo Pinto.
Anderson	Laird.
of Bexar.	Latham.
Baker.	Long.
Barron.	Lotief.
Beck.	Mackay.
Bedford.	Magee.
Bourne.	Mathis.
Bradley.	McClain.
Butler.	McDougald.
Calvert.	McGregor.
Camp.	McKee.
Cathey.	Mitcham.
Caven.	Moffett.
Chastain.	Moore.
Clayton.	Morrison.
Colson.	Morse.
Coombes.	Munson.
Cowley.	Nicholson.
Crossley.	Palmer.
Daniel.	Parkhouse.
Davidson.	Patterson.
Dean.	Pavlica.
Devall.	Pope.
Dunlap.	Puryear.
Dunagan.	Ramsey.
Duvall.	Reader.
Engelhard.	Reed of Bowie.
Ford.	Reed of Dallas.
Fuchs.	Renfro.
Golson.	Riddle.
Good.	Roberts.
Goodman.	Rogers of Hunt.
Graves.	Rogers
Greathouse.	of Ochiltree.
Griffith.	Rollins.
Hankamer.	Ross.
Harman.	Russell.
Harris.	Savage.
Harrison.	Scarborough.
Hartzog.	Shannon.
Hicks.	Smith.
Hill of Webb.	Stanfield.
Holekamp.	Steward.
Holland.	Stinson.
Holloway.	Sullivant.
Hoskins.	Tennyson.
Huddleston.	Tillery.
Hughes.	Townsend.
Hyder.	Van Zandt.
Jackson.	Walker.
James.	Weinert.
Jefferson.	Wood.
Johnson	Young.
of Anderson.	

Nays—25

Aikin.	Jones of Shelby.
Anderson	Kyle of Hays.
of Johnson.	Lemens.
Barrett.	Lindsey.
Burns.	Merritt.
Canon.	Scott.
Fain.	Shults.
Fisher.	Stovall.
Glass.	Tarwater.
Head.	Thomas.
Hodges.	Turlington.
Hunt.	Wagstaff.
Jones of Runnels.	Wells.

Present—Not Voting

Ratliff.	West.
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Absent

Dwyer.	Metcalfe.
Haag.	Ray.
Hill of Brazoria.	Vaughan.
Leonard.	Winningham.

Absent—Excused

Few.	Johnson
Hester.	of Dimmit.
	McCullough.

PAIRED

Mr. Ratliff (present), who would vote "nay," with Mr. Haag (absent), who would vote "aye."

Mr. West (present), who would vote "aye," with Mr. Winningham (absent), who would vote "nay."

HOUSE BILL NO. 122 ON THIRD READING

Mr. Anderson of Bexar moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 122 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—114

Adamson.	Butler.
Alexander.	Calvert.
Alsup.	Camp.
Anderson	Cathey.
of Bexar.	Caven.
Anderson	Chastain.
of Johnson.	Clayton.
Baker.	Colson.
Barron.	Coombes.
Beck.	Cowley.
Bedford.	Crossley.
Bourne.	Daniel.
Bradley.	Davidson.
Burns.	Dean.

Devall.	McDougald.
Dunlap.	McGregor.
Dunagan.	McKee.
Duvall.	Mitcham.
Engelhard.	Moffett.
Ford.	Moore.
Fuchs.	Morrison.
Golson.	Morse.
Good.	Munson.
Goodman.	Nicholson.
Graves.	Palmer.
Greathouse.	Patterson.
Griffith.	Pavlica.
Hankamer.	Pope.
Harman.	Ramsey.
Harris.	Reader.
Harrison.	Reed of Bowie.
Hartzog.	Reed of Dallas.
Hicks.	Roberts.
Hill of Brazoria.	Rogers of Hunt.
Hill of Webb.	Rogers
Hodges.	of Ochiltree.
Holekamp.	Rollins.
Holland.	Ross.
Holloway.	Russell.
Hoskins.	Savage.
Huddleston.	Scarborough.
Hughes.	Shannon.
Hyder.	Smith.
Jackson.	Stanfield.
James.	Steward.
Jefferson.	Stinson.
Jones of Atascosa.	Sullivant.
Kayton.	Tarwater.
Kyle of Palo Pinto.	Tennyson.
Laird.	Thomas.
Latham.	Tillery.
Lemens.	Townsend.
Lindsey.	Van Zandt.
Long.	Wagstaff.
Lotief.	Walker.
Magee.	Weinert.
Mackay.	Wood.
Mathis.	Young.
McClain.	

Nays—20

Aikin.	Kyle of Hays.
Barrett.	Merritt.
Canon.	Parkhouse.
Fain.	Puryear.
Fisher.	Riddle.
Glass.	Scott.
Head.	Shults.
Hunt.	Stovall.
Jones of Runnels.	Turlington.
Jones of Shelby.	Wells.

Absent

Dwyer.	Metcalfe.
Haag.	Ray.
Johnson	Renfro.
of Anderson.	Vaughan.
Leonard.	Winningham.

Present—Not Voting

Ratliff.	West.
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Absent—Excused

Few.	Johnson
Hester.	of Dimmit.
	McCullough.

PAIRED

Mr. Ratliff (present), who would vote "nay," with Mr. Haag (absent), who would vote "yea."

Mr. West (present), who would vote "yea," with Mr. Winningham (absent), who would vote "nay."

The Speaker then laid House Bill No. 122 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—110

Adamson.	Hill of Webb.
Alexander.	Holekamp.
Alsup.	Holland.
Anderson	Holloway.
of Bexar.	Hoskins.
Baker.	Huddleston.
Barron.	Hughes.
Beck.	Hyder.
Bedford.	Jackson.
Bourne.	James.
Bradley.	Jefferson.
Butler.	Johnson
Calvert.	of Anderson.
Camp.	Jones of Atascosa.
Cathey.	Kayton.
Caven.	Kyle of Palo Pinto.
Clayton.	Laird.
Colson.	Latham.
Coombes.	Leonard.
Cowley.	Long.
Crossley.	Lotief.
Daniel.	Magee.
Davidson.	Mackay.
Dean.	Mathis.
Devall.	McClain.
Dunlap.	McDougald.
Dunagan.	McGregor.
Duvall.	McKee.
Dwyer.	Mitcham.
Engelhard.	Moffett.
Ford.	Moore.
Fuchs.	Morrison.
Golson.	Morse.
Good.	Munson.
Goodman.	Nicholson.
Graves.	Palmer.
Greathouse.	Parkhouse.
Griffith.	Patterson.
Hankamer.	Pavlica.
Harman.	Pope.
Harris.	Puryear.
Harrison.	Ramsey.
Hartzog.	Reader.
Hicks.	Reed of Bowie.
Hill of Brazoria.	Reed of Dallas.

Renfro.	Stanfield.
Riddle.	Steward.
Roberts.	Stinson.
Rogers of Hunt.	Sullivan.
Rogers	Tennyson.
of Ochiltree.	Tillery.
Ross.	Townsend.
Russell.	Van Zandt.
Savage.	Walker.
Scarborough.	Weinert.
Shannon.	Young.
Smith.	

Nays—27

Aikin.	Kyle of Hays.
Anderson	Lemens.
of Johnson.	Lindsey.
Barrett.	Merritt.
Burns.	Rollins.
Canon.	Scott.
Chastain.	Shults.
Fain.	Stovall.
Fisher.	Tarwater.
Glass.	Thomas.
Head.	Turlington.
Hunt.	Wagstaff.
Jones of Runnels.	Wells.
Jones of Shelby.	Wood.

Present—Not Voting

Hodges.	West.
Ratliff.	

Absent

Haag.	Vaughan.
Metcalfe.	Winningham.
Ray.	

Absent—Excused

Few.	Johnson
Hester.	of Dimmit.
	McCullough.

PAIRED

Mr. Ratliff (present), who would vote "nay," with Mr. Haag (absent), who would vote "yea."

Mr. West (present), who would vote "yea," with Mr. Winningham (absent), who would vote "nay."

Mr. Anderson of Bexar moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

REASONS FOR VOTES

I voted "no" on House Bill No. 122, because I believe the enactment of laws regulating the sale of beer or other intoxicants should be given careful consideration, and do not think the hurried action on this bill permitted proper consideration. I also voted

against the bill because the provision permitting the sale of keg beer in glasses means the return of the old saloon.

TARWATER.

I voted "yea" on House Bill No. 122 for the reason that just before the vote was taken, House Joint Resolution No. 43, leaving to the votes of the people the amending of the Constitution in this respect was voted "yea" unanimously, and House Bill No. 122 was amended so as to not go into effect until the people voted to repeal the Constitution in this respect; that is, I want the people to rule in this.

PURYEAR.

I vote "yea" on House Bill No. 122, authorizing the manufacture and sale of 3.2 per cent beer, for the following reasons:

1. Because it is in accord with the declarations of the Democratic Party, as well as the policies of the present Democratic administration.

2. Because, I hope that it will bring some revenue to the State, which is so much needed under the present depleted condition of the Treasury, and the demands that are being made for funds with which to conduct the State institutions, and particularly for the schools.

3. It is evident that all of the adjoining States now have, or will have, the privileges of the manufacture and sale of this article, which has been declared by the National Congress to be non-intoxicating.

4. Under these conditions, thousands of dollars' worth of this article will be bootlegged into Texas and consumed by our people, and I believe it better, that if we are to have it at all, that we have it under control and thereby divert the profits in the business from the pockets of the bootleggers to the State Treasury.

It is evidently true that a serious constitutional question will likely arise, but, if so, persons who voluntarily handle and sell this beer, will take the risk of all of the pains and penalties provided in our State prohibition laws.

The fact that the National Government has legalized the sale of 3.2 per cent beer will doubtless result in a very lax execution of the law as it now exists.

GOODMAN.

I vote "no" on House Bill No. 122, because it includes an amendment which would permit the return of the

old-time saloon. No one wants a return of the saloon and, if this amendment is eliminated in free conference, I feel that House Bill No. 122 should be supported on the adoption of the free conference report, in view of its tax provisions.

LEMENS.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, April 14, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House amendments to Senate Bill No. 127, by a viva voce vote, and requests the appointment of a conference committee.

The following have been appointed on the part of the Senate: Senators Murphy, Collie, Martin, Oneal, and Woodruff.

The Senate has refused to concur in House amendments to Senate Bill No. 195, by a viva voce vote, and requests the appointment of a conference committee.

The following have been appointed on the part of the Senate: Senators Greer, Pace, Holbrook, Small, and Poage.

Respectfully,
BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 807 WITH SENATE AMENDMENTS

Mrs. Hughes called up, from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 807, A bill to be entitled "An Act to provide for conventions to pass on amendments to the Constitution of the United States which may be now, or may be hereafter, proposed by the Congress of the United States, for ratification by conventions in the several States; setting the time of said elections; prescribing the method of nominating delegates; prescribing the manner and method in which delegates shall be elected to attend such convention; providing the form of the ballot to be used at such election; prescribing certain duties of the public officials of this State with reference to the conduct of such election, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mrs. Hughes moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Moore, Moffett, Hankamer, Beck, and Mrs. Hughes.

CONFERENCE COMMITTEE ON SENATE BILL NO. 195

On motion of Mr. Ramsey, the House granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 195.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Ramsey, Metcalfe, Tarwater, Daniel, and Wells.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 262

Mr. Leonard submitted the following conference committee report on Senate Bill No. 262:

Committee Room,
Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the two Houses on Senate Bill No. 262, have had the same under consideration, and beg leave to submit the following:

"S. B. No. 262,

A BILL

To Be Entitled

An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before February 1, 1933, due the State, any county, common school district, road district, levee improvement district, water improvement district, and water control and improvement district, irrigation district, and other defined subdivisions of the State;

and for the purpose of releasing penalties and interest on delinquent taxes due cities, towns, and villages, special school districts, and independent school districts provided said taxes are paid on or before December 31, 1933; with an addition of 1 per cent on said taxes if same are paid during the month of July, 1933, and 2 per cent if paid in August, 1933, and 3 per cent if paid in September, 1933, and 4 per cent if paid in October, 1933, and 5 per cent if paid in November, 1933, and 6 per cent if paid in December, 1933; and providing further that this Act releasing penalties and interest shall not apply to cities, towns, and villages, special school districts, and independent school districts, unless and until the governing body thereof finds that unusual or excessive defaults in the payment of taxes has occurred, and that an extension of time for the payment of such delinquent ad valorem and poll taxes will promote and accelerate the collection thereof, whereupon such governing body, by resolution, or ordinance, evidencing such finding and recording the same, shall have the authority to put in force and effect the provisions hereof as to such cities, towns, villages, and special school districts, and independent school districts; providing that delinquent taxes for any one year or more on any property may be paid without paying all other years that may be due on any property; providing that in all cases where tax suits are dismissed or abated no costs or fees incident to said suit shall be adjudged against the defendant; providing that governing boards of water improvement districts, water control and improvement districts, and irrigation districts shall have the power to adjust or reduce delinquent flat rates and/or bond taxes which are delinquent; suspending all laws and parts of laws in conflict herewith during the term this act is in force; and providing further that, if any section, clause, sentence, paragraph, or part of the Act is adjudged to be invalid by any court of final or competent jurisdiction, such judgment shall not affect, impair, or invalidate the re-

mainder of this Act; stating the policy of the Legislature, and declaring an emergency, and providing that this Act shall take effect and be in force from and after its passage."

Be it enacted by the Legislature of the State of Texas:

Section 1. That all interest and penalties that have accrued on all ad valorem and poll taxes that were delinquent on or before February 1, 1933, due the State, any county, common school district, road district, levee improvement district, water improvement district, and water control and improvement district, irrigation district, and other defined subdivisions of the State (and, subject to the provisions hereinbefore and hereinafter contained, such interest and penalties on delinquent ad valorem and poll taxes due cities, towns, and villages, and special school districts, and independent school districts), shall be, and the same are hereby, released, provided, said ad valorem and poll taxes are paid on or before June 30, 1933; and shall be, and the same are hereby, released, provided said ad valorem and poll taxes are paid on or before December 31, 1933, with an addition of 1 per cent on said taxes if the same are paid during the month of July, and 2 per cent if the same are paid in August, and 3 per cent if the same are paid in September, and 4 per cent if the same are paid in October, and 5 per cent if the same are paid in November, and 6 per cent if the same are paid in December, respectively, 1933. It is provided that the provisions hereof shall not apply to cities, towns, and villages, and special school districts, and independent school districts unless and until the governing body of any such city, town or village, or special school district, or independent school district finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred, and that an extension of time for the payment of such delinquent ad valorem and poll taxes will promote and accelerate the collection thereof, whereupon such governing body shall adopt a resolution, or ordinance, evidencing such finding, and upon the recording of such findings of fact, the provisions of this Act shall

be in full force and effect as to any such city, town, or village, or special school district, or independent school district. It is hereby expressly and specifically provided that penalties and interest herein released are released only on delinquent ad valorem and poll taxes and on no other taxes.

Sec. 2. Anyone desiring to pay the delinquent taxes for any one or more years shall have the right to pay the same under the provisions of this bill without at the same time paying any other taxes that may be then delinquent upon the same property.

Sec. 3. In all cases where suits for the collection of delinquent taxes owing to the State and any county in this State have been heretofore filed and are now pending, or which may be hereafter filed and pending, on the docket of any district court in this State, and the court shall dismiss or abate same upon motion of the defendant or of the county attorney, no costs of court nor any fees arising out of or incident to said suit shall be adjudged against any defendant or any property involved in such suit.

Sec. 4. Governing boards of water improvement districts, water control and improvement districts, and irrigation districts are hereby empowered to make adjustments or reductions of delinquent bond tax and/or flat rate charges, provided that such adjustments or reductions result in the payment of such bond tax and/or flat rate charges on or before December 31, 1933.

Sec. 5. All laws and parts of laws in conflict herewith are hereby expressly suspended during the term of this Act so far as they may affect this Act.

Sec. 6. It is provided further that in case any section, clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the section, clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Sec. 7. This bill is enacted into a law because of the dire need of school districts and other subdivisions for funds from delinquent taxes to continue to function, and for the further purpose of giving the distressed taxpayers an opportunity to pay their taxes without the burden of the penalties and interest that have accrued. But it shall not be understood from the enactment of this law that it is the policy of the Legislature to continue to remit penalty and interest. The Forty-third Legislature here declares that a continuation of the policy of remitting penalty and interest on delinquent taxes would be detrimental to the best interest of this State and would, if continued, lead to still greater delinquencies in tax payments than has ever been in the history of this State.

Sec. 8. The fact that millions of dollars in taxes are now due and have been due to the State and its subdivisions for many years past by people who would meet their obligations to the State Government if the heavy costs and penalties and interest were omitted creates an emergency and an imperative public necessity demanding that the constitutional rule, which requires all bills to be read on three several days in each House, be suspended, and said rule is hereby suspended, and said Act shall be in force and take effect from and after its passage, and it is so enacted.

Respectfully submitted,

ONEAL,
DUGGAN,
POAGE,
COLLIE,

On the part of the Senate;

LEONARD,
MOFFETT,
METCALFE,

On the part of the House.

MINORITY REPORT ON SENATE BILL NO. 262

Committee Room,
Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, a minority of your conference committee, appointed to consider

S. B. No. 262, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all State, county, special school district, road district, levee improvement district, and irrigation district taxes, and taxes of other defined subdivisions of the State, other than incorporated cities and towns; providing said taxes are paid on or before June 30, 1933; suspending all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and recommend back to the Senate and the House that the same do not pass, but that the attached bill be passed:

"S. B. No. 262,

A BILL

To Be Entitled

An Act for the purpose of releasing the interest and penalties on all State, county, special school district, road district, levee improvement district, and irrigation district taxes, and taxes of other defined subdivisions of the State, other than incorporated cities and towns; providing said taxes are paid on or before June 30, 1933; suspending all laws and parts of laws in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That all interest and penalties that have accrued on all ad valorem and poll taxes that were delinquent on or before February 1, 1933, due the State, any county, common school district, road district, levee improvement district, water improvement district, and water control and improvement district, irrigation district, and other defined subdivisions of the State (and, subject to the provisions hereinbefore and hereinafter contained, such interest and penalties on delinquent ad valorem and poll taxes due cities, towns, and villages, and special school districts, and independent school districts), shall be, and the same are hereby, released, provided, said ad valorem and poll taxes are paid on or before December 31, 1933; if said taxes are not paid in full on or before December 31, 1933, same may be thereafter paid without the payment of penalties or

interest on the following terms: In the event any person, firm, association of persons, or corporation shall not pay all delinquent taxes owed by such person, firm, association of persons, or corporation on or before the due date of December 31, 1933, then, in that event, such person, firm, association of persons, or corporation may, on or before December 31, 1933, appear before the public official charged with the duty of collecting said taxes and make sworn affidavit of financial inability to pay all of said delinquent taxes. In the event of such presentation of affidavit such person, firm, association of persons, or corporation shall accompany the affidavit with a sum equal to twenty per cent (20%) of all such delinquent ad valorem and poll taxes owed by said person, firm, association of persons, or corporation, and the public official charged with the duty of collecting said delinquent ad valorem and poll taxes shall, and is hereby, empowered to accept such twenty per cent (20%), and shall credit the amount toward the payment of those taxes which were first delinquent. The person, firm, association of persons, or corporation making such twenty per cent (20%) payment on or before December 31, 1933, shall be allowed to make the second payment of twenty per cent (20%) on or before June 30, 1934, the third payment of like amount on or before December 31, 1934; the fourth payment of like amount on or before June 30, 1935, and the fifth payment of like amount on or before December 31, 1935, each of which payments shall be accepted by the public official charged with the duty of collecting said taxes, and shall be credited by him toward the payment of said taxes first delinquent and remaining unpaid. Each installment herein provided for shall bear interest at the rate of six per cent (6%) from July 1, 1934, said interest to be paid with each installment. The failure to pay any one of the installments herein provided for shall immediately cause the delinquent ad valorem and poll taxes on which the penalties and interest are hereby released to be subject to the general laws of this State governing the collection of delinquent taxes. It is provided that the provisions hereof shall not apply to cities, towns, and villages, and special school districts, and independent school districts, unless and until the governing body of any such city, town or village, or special school

district, or independent school district finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred, and that an extension of time for the payment of such delinquent ad valorem and poll taxes will promote and accelerate the collection thereof, whereupon such governing body shall adopt a resolution, or ordinance, evidencing such finding, and upon the recording of such findings of fact, the provisions of this Act shall be in full force and effect as to any such city, town, or village, or special school district, or independent school district. It is hereby expressly and specifically provided that penalties and interest herein released are released only on delinquent ad valorem and poll taxes and on no other taxes.

Sec. 2. Anyone desiring to pay the delinquent taxes for any one year shall have the right to pay the same under the first alternative of this bill without at the same time paying any other taxes that may be then delinquent upon the same property.

Sec. 3. In all cases where suits for the collection of delinquent taxes owing to the State and any county in this State have been heretofore filed and are now pending, or which may be hereafter filed and pending, on the docket of any district court in this State, and the court shall dismiss or abate same upon motion of the defendant or of the county attorney, no costs of court nor any fees arising out of or incident to said suit shall be adjudged against any defendant or any property involved in such suit.

Sec. 4. Governing boards of water improvement districts, water control and improvement districts, and irrigation districts are hereby empowered to make adjustments or reductions of delinquent bond tax and/or flat rate charges provided that such adjustments or reductions result in the payment of such bond tax and/or flat rate charges on or before December 31, 1934.

Sec. 5. Immediately upon the taking effect of this Act the State Comptroller shall prepare forms and instructions for the various tax collectors of this State, looking to the efficient and uniform enforcement of this Act, and shall forward a copy of such forms and instructions to each tax collector in this State within ten

(10) days after the taking effect of this Act; and it shall be the duty of each and every tax collector in this State to adopt said forms in compliance with said rules and regulations of the State Comptroller, so far as the same may be practicable.

Sec. 6. All laws and parts of laws in conflict herewith are hereby expressly suspended during the term of this Act so far as they may affect this Act.

Sec. 7. It is provided further that in case any section, clause, sentence, paragraph, or part of this Act shall, for any reason, be adjudged by any court of competent or final jurisdiction, to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the section, clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Sec. 8. Governing boards of water improvement districts, water control and improvement districts, and irrigation districts are hereby empowered to make adjustments or reductions of delinquent bond tax and/or flat rate charges provided that such adjustments or reductions result in the payment of such bond tax and/or flat rate charges on or before December 31, 1933.

Sec. 9. This bill is enacted into a law because of the dire need of school districts and other subdivisions for funds from delinquent taxes to continue to function, and for the further purpose of giving the distressed taxpayers an opportunity to pay their taxes without the burden of the penalties and interest that have accrued. But it shall not be understood from the enactment of this law that it is the policy of the Legislature to continue to remit penalty and interest. The Forty-third Legislature here declares that a continuation of the policy of remitting penalty and interest on delinquent taxes would be detrimental to the best interest of this State and would, if continued, lead to still greater delinquencies in tax payments than has ever been in the history of this State.

Sec. 10. The fact that millions of dollars in taxes are now due and have been due to the State and its subdivisions for many years past by people

who would meet their obligations to the State Government if the heavy costs and penalties and interest were omitted creates an emergency and an imperative public necessity demanding that the constitutional rule, which requires all bills to be read on three several days in each House, be suspended, and said rule is hereby suspended, and said Act shall be in force and take effect from and after its passage, and it is so enacted.

Respectfully submitted,

JONES of Atascosa,
POPE,

On the part of the House.

On motion of Mr. Burns, further consideration of the report was postponed until 10 o'clock a. m., next Monday.

CONFERENCE COMMITTEE ON SENATE BILL NO. 127

On motion of Mr. Van Zandt, the House granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 127.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Van Zandt, Sullivant, Caven, Stinson, and Goodman.

HOUSE BILL NO. 878 ON SECOND READING

Mr. Walker moved to take up, for consideration at this time, House Bill No. 878, which bill had heretofore been laid on the table subject to call.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 878, A bill to be entitled "An Act amending Section 1, of Chapter 58, of the General Laws of the Forty-second Legislature, Regular Session, re-defining 'marginal wells,' and declaring an emergency."

The bill was read second time.

Mr. Burns offered the following amendment to the bill:

Amend House bill No. 878, page 1, Section b, by striking out the figures and word "20 barrels," and substituting "30 barrels."

Mr. Wells moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question recurring on the amendment by Mr. Burns, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—42

Alsup.	Jackson.
Barron.	James.
Burns.	Jones of Atascosa.
Camp.	Laird.
Canon.	Leonard.
Caven.	Magee.
Coombes.	Mackay.
Daniel.	McKee.
Fain.	Merritt.
Fisher.	Munson.
Fuchs.	Parkhouse.
Glass.	Puryear.
Good.	Reed of Bowie.
Goodman.	Reed of Dallas.
Graves.	Rogers of Hunt.
Greathouse.	Rogers
Harman.	of Ochiltree.
Harrison.	Stanfield.
Hodges.	Stinson.
Holland.	Stovall.
Hoskins.	Tarwater.
Hunt.	

Nays—60

Aikin.	McDougald.
Alexander.	Mitcham.
Baker.	Moffett.
Bourne.	Moore.
Bradley.	Morrison.
Butler.	Morse.
Calvert.	Nicholson.
Clayton.	Patterson.
Crossley.	Ratliff.
Dwyer.	Riddle.
Golson.	Roberts.
Griffith.	Russell.
Hankamer.	Savage.
Harris.	Scarborough.
Head.	Scott.
Hicks.	Shannon.
Hill of Brazoria.	Shults.
Hill of Webb.	Smith.
Holekamp.	Steward.
Hughes.	Tennysen.
Jefferson.	Thomas.
Johnson	Tillery.
of Anderson.	Townsend.
Kayton.	Turlington.
Kyle of Hays.	Van Zandt.
Kyle of Palo Pinto.	Wagstaff.
Latham.	Walker.
Lemens.	Wells.
Lindsey.	Wood.
Long.	Young.
Lotief.	

Present—Not Voting

Davidson. Devall.
Dean. Jones of Runnels.

Absent

Adamson. Huddleston.
Anderson Hyder.
 of Bexar. Jones of Shelby.
Anderson Mathis.
 of Johnson. McClain.
Barrett. McGregor.
Beck. Metcalfe.
Bedford. Palmer.
Cathey. Pavlica.
Chastain. Pope.
Colson. Ramsey.
Cowley. Ray.
Dunlap. Reader.
Dunagan. Renfro.
Duvall. Rollins.
Engelhard. Ross.
Ford. Sullivan.
Haag. Weinert.
Hartzog. West.
Holloway. Winningham.

Absent—Excused

Few. McCullough.
Hester. Vaughan.
Johnson
 of Dimmit.

House Bill No. 878 was then passed
to engrossment by the following vote:

Yeas—81

Adamson. Hughes.
Alexander. Hunt.
Alsup. Hyder.
Baker. Jackson.
Bourne. James.
Bradley. Johnson
Butler. of Dimmit.
Calvert. Jones of Atascosa.
Chastain. Jones of Runnels.
Clayton. Kayton.
Coombes. Kyle of Hays.
Crossley. Kyle of Palo Pinto.
Davidson. Latham.
Dwyer. Lemens.
Glass. Leonard.
Golson. Lindsey.
Graves. Long.
Griffith. Lotief.
Hankamer. McDougald.
Harman. McKee.
Harris. Merritt.
Head. Mitcham.
Hicks. Moffett.
Hill of Webb. Moore.
Hodges. Morrison.
Holekamp. Morse.
Holland. Nicholson.
Hoskins. Patterson.

Ratliff.
Reader.
Roberts.
Rogers of Hunt.
Ross.
Russell.
Savage.
Scarborough.
Scott.
Shannon.
Shults.
Smith.
Steward.

Tarwater.
Tennyson.
Thomas.
Tillery.
Townsend.
Turlington.
Van Zandt.
Wagstaff.
Walker.
Wells.
West.
Wood.
Young.

Nays—28

Aikin. Jefferson.
Barron. Laird.
Burns. Mackay.
Camp. Magee.
Canon. Munson.
Caven. Parkhouse.
Daniel. Puryear.
Fain. Reed of Bowie.
Fisher. Reed of Dallas.
Fuchs. Rogers
Good. of Ochiltree.
Goodman. Stanfield.
Greathouse. Stinson.
Harrison. Stovall.
Hill of Brazoria.

Present—Not Voting

Dean. Devall.

Absent

Anderson Huddleston.
 of Bexar. Jones of Shelby.
Anderson Mathis.
 of Johnson. McClain.
Barrett. McGregor.
Beck. Metcalfe.
Bedford. Palmer.
Cathey. Pavlica.
Colson. Pope.
Cowley. Ramsey.
Dunlap. Ray.
Dunagan. Renfro.
Duvall. Riddle.
Engelhard. Rollins.
Ford. Sullivan.
Haag. Vaughan.
Hartzog. Weinert.
Holloway. Winningham.

Absent—Excused

Few. Johnson
Hester. of Anderson.
 McCullough.

HOUSE BILL NO. 878 ON THIRD
READING

Mr. Walker moved that the constitutional rule, requiring bills to be read on three several days be sus-

pending, and that House bill No. 878 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—95

Adamson.	Kayton.
Aikin.	Kyle of Hays.
Alexander.	Kyle of Palo Pinto.
Alsup.	Latham.
Baker.	Lemens.
Barrett.	Leonard.
Barron.	Lindsey.
Bourne.	Long.
Bradley.	Lotief.
Butler.	Mackay.
Calvert.	Magee.
Camp.	McDougald.
Canon.	McKee.
Cathey.	Mitcham.
Chastain.	Moffett.
Clayton.	Moore.
Colson.	Morrison.
Coombes.	Morse.
Crossley.	Nicholson.
Daniel.	Patterson.
Davidson.	Puryear.
Dean.	Ratliff.
Devall.	Reader.
Dwyer.	Roberts.
Fisher.	Rogers of Hunt.
Fuchs.	Ross.
Golson.	Russell.
Graves.	Savage.
Griffith.	Scarborough.
Hankamer.	Scott.
Harman.	Shannon.
Harris.	Shults.
Head.	Smith.
Hicks.	Steward.
Hill of Brazoria.	Tarwater.
Hill of Webb.	Tennyson.
Hodges.	Thomas.
Holekamp.	Tillery.
Holland.	Townsend.
Hoskins.	Turlington.
Huddleston.	Van Zandt.
Hughes.	Wagstaff.
Hunt.	Walker.
Hyder.	Wells.
Jackson.	West.
James.	Wood.
Jefferson.	Young.
Jones of Runnels.	

Nays—14

Burns.	Reed of Bowie.
Caven.	Reed of Dallas.
Fain.	Rogers
Glass.	of Ochiltree.
Greathouse.	Stanfield.
Laird.	Stinson.
Munson.	Stovall.
Parkhouse.	

Absent

Anderson	Jones of Atascosa.
of Bexar.	Jones of Shelby.
Anderson	Mathis.
of Johnson.	McClain.
Beck.	McGregor.
Bedford.	Merritt.
Cowley.	Metcalfe.
Dunlap.	Palmer.
Dunagan.	Pavlica.
Duvall.	Pope.
Engelhard.	Ramsey.
Ford.	Ray.
Good.	Renfro.
Goodman.	Riddle.
Haag.	Rollins.
Harrison.	Sullivant.
Hartzog.	Weinert.
Holloway.	Winningham.
Johnson	
of Anderson.	

Absent—Excused

Few.	McCullough.
Hester.	Vaughan.
Johnson	
of Dimmit.	

The Speaker then laid House Bill No. 878 before the House on its third reading and final passage.

The bill was read third time.

Mr. McDougald moved the previous question on the passage of the bill, and the main question was ordered.

House Bill No. 878 was then passed by the following vote:

Yeas—100

Adamson.	Fuchs.
Aikin.	Glass.
Alexander.	Golson.
Alsup.	Goodman.
Baker.	Graves.
Barrett.	Griffith.
Bourne.	Hankamer.
Bradley.	Harman.
Butler.	Harris.
Calvert.	Harrison.
Camp.	Hicks.
Canon.	Hill of Brazoria.
Cathey.	Hill of Webb.
Chastain.	Hodges.
Clayton.	Holekamp.
Colson.	Holland.
Coombes.	Hoskins.
Crossley.	Huddleston.
Dean.	Hughes.
Devall.	Hunt.
Dwyer.	Hyder.
Fain.	Jackson.
Fisher.	James.

Jefferson.	Reader.
Johnson	Reed of Bowie.
of Anderson.	Reed of Dallas.
Jones of Atascosa.	Riddle.
Jones of Runnels.	Roberts.
Kayton.	Rogers of Hunt.
Kyle of Hays.	Ross.
Kyle of Palo Pinto.	Russell.
Latham.	Savage.
Lemens.	Scarborough.
Leonard.	Scott.
Lindsey.	Shannon.
Long.	Shults.
Lotief.	Smith.
Mackay.	Steward.
Magee.	Tarwater.
McDougald.	Tennyson.
McGregor.	Thomas.
McKee.	Tillery.
Merritt.	Townsend.
Mitcham.	Turlington.
Moffett.	Van Zandt.
Moore.	Wagstaff.
Morrison.	Walker.
Morse.	Wells.
Nicholson.	West.
Patterson.	Wood.
Ratliff.	

Nays—15

Barron.	Munson.
Burns.	Parkhouse.
Caven.	Puryear.
Daniel.	Rogers
Davidson.	of Ochiltree.
Good.	Stanfield.
Greathouse.	Stinson.
Laird.	Stovall.

Absent

Anderson	Jones of Shelby.
of Bexar.	Mathis.
Anderson	McClain.
of Johnson.	Metcalfe.
Beck.	Palmer.
Bedford.	Pavlica.
Cowley.	Pope.
Dunlap.	Ramsey.
Dunagan.	Ray.
Duvall.	Renfro.
Engelhard.	Rollins.
Ford.	Sullivant.
Haag.	Weinert.
Hartzog.	Winningham.
Head.	Young.
Holloway.	

Absent—Excused

Few.	McCullough.
Hester.	Vaughan.
Johnson of Dimmit.	

BILLS AND RESOLUTION SIGNED
BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due

notice thereof, and their captions had been read severally, the following enrolled bills and resolution:

H. B. No. 6, "An Act to regulate the granting of pipe line right of way easements, and the terms thereof and the rates to be charged therefor, across public lands of Texas; providing for the disposition of proceeds received from such easements, etc., and declaring an emergency."

H. B. No. 431, "An Act to amend Chapter 2, Title 128, Revised Civil Statutes of Texas, by adding thereto, after Article 7700, Article 7700-a, authorizing the issuance of funding, refunding, and amortization bonds by water improvement district, prescribing the method thereof, the terms thereof, and declaring an emergency."

H. B. No. 188, "An Act to repeal House Bill No. 32, Acts First Called Session, Forty-second Legislature, which provides a special quail season for Falls and Johnson Counties, and declaring an emergency."

H. B. No. 775, "An Act to amend Article 199, Title 8, of the Revised Civil Statutes of 1925, Subdivision 47, as amended by Chapter 7, Acts of the Fortieth Legislature, 1927, by amending Sections 4, 5, and 6, of Chapter 7, Acts of the Fortieth Legislature, page 10, and providing for the restoration of jurisdiction of civil business to the District Court of the Forty-seventh Judicial District, in Potter County, providing for the perpetuation of said Forty-seventh District Court, and clothing said District Court with general jurisdiction of district courts in all of the counties comprising said Judicial District; providing for the continuance in office of the Judge of the One Hundred and Eighth District Court, and the Judge and District Attorney of the said Forty-seventh District Court, during the term for which elected; providing for a clerk and court reporter to handle civil business in said Court, in Potter County; for transfer of civil business by the respective Judges of said Courts; to continue in effect writs, process, bonds, recognizances, orders, decrees, and judgments; fixing the time of taking effect of this Act; repealing laws in conflict therewith, and declaring an emergency."

H. B. No. 667, "An Act defining from what fund the compensation of county commissioners may be paid in

counties having a population of not more than six thousand three hundred and twenty (6,320), and not less than six thousand three hundred and ten (6,310), according to the most recent United States Census."

H. B. No. 840, "An Act validating and legalizing the authorization of bonds issued by or on behalf of any county, city, district, or political subdivision of this State, for the construction of seawalls; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns, and declaring the result of such election, and declaring an emergency."

S. B. No. 409, "An Act repealing Articles 52-146, 52-147, 52-148, 52-149, 52-150, 52-151, 52-152, 52-153, 52-154, 52-155, and 52-156, of the Revised Civil Statutes of Texas, 1925, and Chapter 104, of the Local and Special Laws of Texas, passed at the Regular Session of the Thirty-second Legislature, relating to and creating the County Court of Galveston County at Law; transferring the jurisdiction of this court to the District Court of the Tenth Judicial District of Texas, and declaring an emergency."

S. B. No. 192, "An Act to diminish the civil and criminal jurisdiction of the county court of Sterling County, to conform to the jurisdiction of the district court thereof, and to repeal all laws in conflict herewith, and declaring an emergency."

S. B. No. 480, "An Act authorizing the board of trustees of independent school districts having a scholastic population of not less than 225 and not more than 325, according to the last State scholastic census, to borrow money from the Reconstruction Finance Corporation or from other sources, for the purpose of installing canning factories, manual training equipment, equipment for physical education department, and for the erection of necessary buildings therefor, for the purchase of such equipment as is named above; and declaring an emergency."

S. B. No. 240, "An Act amending Articles 2558, Revised Civil Statutes, 1925, and declaring an emergency."

H. C. R. No. 65, Correcting caption of House Bill No. 431.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, April 14, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted conference committee report on Senate bill No. 262 by the following vote: Yeas, 21; nays 4.

The Senate has passed

H. B. No. 218, A bill to be entitled "An Act requiring the Land Commissioner to ascertain and determine the amount of bonus and rental money due the State, and by whom due, under the operation, terms, and conditions of Chapter 81, printed Acts of the Second Called Session of the Twenty-sixth Legislature, and the amendment thereof by the First Called Session of the Thirty-seventh Legislature, which Acts are generally referred to as the Relinquishment Act, authorizing the Land Commissioner to settle and compromise such debts with the debtors on the basis of actual amounts found due less all just and lawful credits, etc., and declaring an emergency." (With amendments.)

Respectfully,
BOB BARKER,
Secretary of the Senate.

NOTICES GIVEN

Mr. Wagstaff gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 322, which bill had heretofore been laid on the table subject to call.

Mr. Savage gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 12, which bill had heretofore been laid on the table subject to call.

Mr. Lindsey gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 649, which bill had heretofore been laid on the table subject to call.

Mr. Morse gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 447, which bill had heretofore been laid on the table subject to call.

Mr. Bradley gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 100, which bill had heretofore been laid on the table subject to call.

RECESS

Mr. Wells moved that the House adjourn until 9:30 o'clock a. m., next Monday.

Mr. Stovall moved that the House recess to 9:30 o'clock a. m., next Monday.

Question recurring on the motion by Mr. Wells, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—50

Alexander.	Laird.
Alsup.	Latham.
Barron.	Long.
Butler.	Mackay.
Canon.	McDougald.
Cathey.	McGregor.
Coombes.	Moore.
Dunlap.	Morrison.
Dwyer.	Morse.
Fisher.	Nicholson.
Golson.	Patterson.
Good.	Reader.
Harris.	Reed of Dallas.
Harrison.	Rogers of Hunt.
Hill of Brazoria.	Russell.
Holekamp.	Shannon.
Holland.	Smith.
Hoskins.	Stinson.
Huddleston.	Tennyson.
Jackson.	Tillery.
James.	Turlington.
Johnson	Wagstaff.
of Anderson.	Walker.
Jones of Shelby.	Wells.
Kayton.	West.
Kyle of Palo Pinto.	

Nays—58

Adamson.	Davidson.
Aikin.	Devall.
Baker.	Fain.
Barrett.	Fuchs.
Bourne.	Glass.
Bradley.	Goodman.
Burns.	Graves.
Calvert.	Hankamer.
Camp.	Hicks.
Caven.	Hill of Webb.
Chastain.	Hodges.
Clayton.	Hughes.
Colson.	Hunt.
Crossley.	Jefferson.
Daniel.	Jones of Runnels.

Kyle of Hays.
Lemens.
Leonard.
Lindsey.
Lotief.
Magee.
Mitcham.
Moffett.
Munson.
Parkhouse.
Puryear.
Ratliff.
Reed of Bowie.
Roberts.

Rogers
of Ochiltree.
Rollins.
Ross.
Savage.
Scarborough.
Scott.
Shults.
Stanfield.
Stovall.
Sullivant.
Tarwater.
Thomas.
Townsend.
Van Zandt.

Absent

Anderson	Hyder.
of Bexar.	Jones of Atascosa.
Anderson	Mathis.
of Johnson.	McClain.
Beck.	McKee.
Bedford.	Merritt.
Cowley.	Metcalfe.
Dean.	Palmer.
Dunagan.	Pavlica.
Duvall.	Pope.
Engelhard.	Ramsey.
Ford.	Ray.
Greathouse.	Renfro.
Griffith.	Riddle.
Haag.	Steward.
Harman.	Weinert.
Hartzog.	Winningham.
Head.	Wood.
Holloway.	Young.

Absent—Excused

Few.	McCullough.
Hester.	Vaughan.
Johnson	
of Dimmit.	

Mr. Dwyer moved that the House adjourn until 10 o'clock a. m., next Monday.

The motion was lost.

Mr. Morse moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Kyle of Hays raised a point of order on further consideration of the motion by Mr. Morse, on the ground that no business has been transacted since the last motion to adjourn was voted on.

The Speaker sustained the point of order.

Question recurring on the motion by Mr. Morse, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—46

Adamson.	Kayton.
Alexander.	Kyle of Palo Pinto.
Alsup.	Laird.
Baker.	Long.
Barron.	McDougald.
Bradley.	McKee.
Canon.	Merritt.
Devall.	Moore.
Dwyer.	Morrison.
Fisher.	Morse.
Glass.	Parkhouse.
Good.	Patterson.
Harris.	Rogers of Hunt.
Harrison.	Russell.
Hill of Webb.	Savage.
Hodges.	Shannon.
Holekamp.	Stinson.
Hoskins.	Tennyson.
Huddleston.	Tillery.
Jackson.	Turlington.
James.	Wagstaff.
Johnson	Walker.
of Anderson.	West.
Jones of Shelby.	

Nays—63

Aikin.	Leonard.
Barrett.	Lindsey.
Bourne.	Lotief.
Burns.	Mackay.
Butler.	Magee.
Calvert.	McGregor.
Camp.	Mitcham.
Caven.	Moffett.
Chastain.	Munson.
Clayton.	Puryear.
Colson.	Ratliff.
Coombes.	Reader.
Cowley.	Reed of Bowie.
Crossley.	Riddle.
Daniel.	Roberts.
Davidson.	Rogers
Dean.	of Ochiltree.
Fain.	Rollins.
Fuchs.	Ross.
Golson.	Scarborough.
Goodman.	Scott.
Graves.	Shults.
Hankamer.	Smith.
Hicks.	Stanfield.
Hill of Brazoria.	Stovall.
Holland.	Sullivant.
Hughes.	Tarwater.
Hunt.	Thomas.
Jones of Runnels.	Townsend.
Kyle of Hays.	Van Zandt.
Latham.	Vaughan.
Lemens.	Wells.

Absent

Anderson	Beck.
of Bexar.	Bedford.
Anderson	Cathey.
of Johnson.	Dunlap.

Dunagan.	McClain.
Duvall.	Metcalfe.
Engelhard.	Nicholson.
Ford.	Palmer.
Greathouse.	Pavlica.
Griffith.	Pope.
Haag.	Ramsey.
Harman.	Ray.
Hartzog.	Reed of Dallas.
Head.	Renfro.
Holloway.	Steward.
Hyder.	Weinert.
Jefferson.	Winningham.
Jones of Atascosa.	Wood.
Mathis.	Young.

Absent—Excused

Few.	Johnson
Hester.	of Dimmit.
	McCullough.

Question then recurring on the motion by Mr. Stovall, that the House recess to 9:30 o'clock a. m., next Monday, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—70

Adamson.	Jones of Runnels.
Barrett.	Kyle of Hays.
Bourne.	Kyle of Palo Pinto.
Bradley.	Lemens.
Burns.	Leonard.
Butler.	Lindsey.
Calvert.	Lotief.
Camp.	Magee.
Cathey.	Mackay.
Caven.	Mitcham.
Chastain.	Moffett.
Clayton.	Morrison.
Colson.	Munson.
Coombes.	Palmer.
Cowley.	Puryear.
Crossley.	Ratliff.
Daniel.	Reed of Bowie.
Davidson.	Roberts.
Dean.	Rogers
Fain.	of Ochiltree.
Fuchs.	Rollins.
Golson.	Ross.
Goodman.	Scarborough.
Graves.	Scott.
Hankamer.	Shannon.
Harman.	Shults.
Hicks.	Stanfield.
Hill of Webb.	Stinson.
Hodges.	Stovall.
Hoskins.	Sullivant.
Hughes.	Tarwater.
Hunt.	Thomas.
Hyder.	Townsend.
James.	Van Zandt.
Johnson	Wells.
of Anderson.	Wood.

Nays—29

Aikin.	Laird.
Alexander.	Latham.
Alsup.	McDougald.
Baker.	McGregor.
Barron.	Nicholson.
Canon.	Riddle.
Devall.	Rogers of Hunt.
Dunlap.	Russell.
Glass.	Smith.
Good.	Tennyson.
Harris.	Tillery.
Harrison.	Wagstaff.
Holekamp.	Walker.
Holland.	Young.
Kayton.	

Present—Not Voting

Fisher.	McKee.
Hill of Brazoria.	

Absent

Anderson	Long.
of Bexar.	Mathis.
Anderson	McClain.
of Johnson.	Merritt.
Beck.	Metcalfe.
Bedford.	Moore.
Dunagan.	Morse.
Duvall.	Parkhouse.
Dwyer.	Patterson.
Engelhard.	Pavlica.
Ford.	Pope.
Greathouse.	Ramsey.
Griffith.	Ray.
Haag.	Reader.
Hartzog.	Reed of Dallas.
Head.	Renfro.
Holloway.	Savage.
Huddleston.	Steward.
Jackson.	Turlington.
Jefferson.	Weinert.
Jones of Atascosa.	West.
Jones of Shelby.	Winningham.

Absent—Excused

Few.	McCullough.
Hester.	Vaughan.
Johnson of Dimmit.	

The House, accordingly, at 5 o'clock p. m., took recess to 9:30 o'clock a. m., next Monday.

APPENDIX

REPORT OF THE COMMITTEE ON
ENGROSSED BILLS

Committee Room,
Austin, Texas, April 14, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 623, A bill to be entitled
"An Act authorizing and directing
the Commissioner of Agriculture of
the State of Texas, to enter into co-
operative agreements with the United
States Department of Agriculture;
providing for the inspection of cer-
tain citrus fruits to establish certain
minimum grades and standards and
promulgate rules and regulations re-
lative to the weighing, buying, and
selling, packing, marking, and ship-
ping of certain citrus fruits to be
shipped within, out of, or into the
State of Texas; for the protection of
the grower, shipper, carrier, receiver,
and consumer of citrus fruits, and to
generally promote the interests of
the Texas citrus industry; to make
it the duty of the Commissioner of
Agriculture to enforce the provisions
of this Act, and to provide fees for
services to be performed by the Com-
missioner of Agriculture of the State
of Texas; to prescribe penalties for
violations of this Act; providing if
any part of this Act is declared un-
constitutional, for any reason, it
shall not affect the validity of the re-
mainder of the Act, and declaring an
emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HYDER, Vice-Chairman.

REPORT OF THE COMMITTEE ON
ENROLLED BILLS

Committee Room,

Austin, Texas, April 13, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. '82, "An Act amending
Article 6954, Chapter 6, Title 121 of
the Revised Civil Statutes of Texas,
1925, as amended in Chapter 245 of
the Acts of the Regular Session of
the Fortieth Legislature of Texas, as
amended in Chapter 5, of the Acts
of the Regular Session of the Forty-
first Legislature of Texas, and as
further amended in Chapter 71 of the
Acts of the First Called Session of
the Forty-first Legislature of Texas,
the latter being House Bill No. 120,
passed by the First Called Session
of the Forty-first Legislature, and
further amended in Chapter 8, of the
Acts of the Third Called Session of
the Forty-first Legislature, Senate
Bill No. 22, and further amended in
Chapter 313 of the Acts of the Regu-

lar Session of the Forty-second Legislature, and as further amended by Chapter 9 of the Acts of the Third Called Session of the Forty-second Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said Article the County of Armstrong; and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 207, "An Act to amend Section 4 of Chapter 22, of the General Laws of the Thirty-ninth Legislature, Regular Session, 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, April 13, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 253, "An Act amending Article 7005, Title 121, Revised Civil Statutes of the State of Texas, as amended by the Acts of 1931, Forty-second Legislature, Regular Session, page 852, Chapter 360, Section 1, exempting Bailey County and others from the provision requiring the election of a hide and animal inspector, and other provisions of Chapter 7, Title 121, Revised Civil Statutes of 1925, State of Texas; and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 6, "An Act to regulate the granting of pipe line right of way easements and easements or lease of

sites for pumping stations, loading racks, and tank farms, and the terms thereof and the rates to be charged therefor, on and across public lands of Texas; providing for the disposition of proceeds received from such easements; providing for interest on past due amounts; providing for payment for pipe line right of ways heretofore taken and now used or occupied by any person or corporation; providing for penalties for hereafter constructing any pipe line, pumping station, tank farm, and/or loading rack on or across State school, university, tide-water, or gulf lands without first obtaining a grant from the State or for hereafter continuing in possession of any such lands without first obtaining a proper easement; fixing the venue of all suits under this Act in Travis County; providing, that if any section, clause, or provision of this Act be held unconstitutional, invalid, or unenforceable, it shall not affect the remaining portions, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 667, "An Act defining from what fund the compensation of county commissioners may be paid in counties having a population of not more than six thousand three hundred and twenty (6,320), and not less than six thousand three hundred and ten (6,310), according to the most recent United States Census; repealing the Act known as House Bill No. 739, Regular Session, Forty-second Legislature, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, April 13, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 575, "An Act for the purpose of making plain the salute to the Texas Flag, and giving uni-

formity to the salute; providing a clear description of the Flag to the end that pupils in the lower grades of the elementary schools will be able to draw or make the Flag; providing for the standardization of the star in the blue stripe in the dimensions used and its position in the stripe so that uniformity shall be the result hereafter in the making of Texas Flags; describing the method of construction of the star in language that is definite and clear; and outlining rules for correct use and display of the Texas Flag, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 431, "An Act to amend Chapter 2, Title 128, Revised Civil Statutes of Texas, 1925, by adding thereto, after Article 7700, Article 7700-a, authorizing the issuance of funding, refunding, and amortization bonds by water improvement districts, which obtain their water supply under contract with the United States Government, prescribing the method thereof, the terms thereof, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 854, "An Act providing for an open season or period of time when it shall be lawful to take or kill wild quail in certain counties; providing penalties for the violation thereof; repealing all laws and parts of laws in conflict therewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 188, "An Act to repeal House Bill No. 32, Acts, First Called Session, Forty-second Legislature, which provides a special quail season for Falls and Johnson Counties; and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 840, "An Act validating and legalizing the authorization of bonds issued by or on behalf of any county, city, district, or political subdivision of this State for the construction of sea walls; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns, and declaring the result of such election, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 65:

Whereas, House Bill No. 431 has passed the House and Senate; and

Whereas, "1925" was omitted in caption of said bill; therefore, be it

Resolved by the House, the Senate concurring, That the Enrolling Clerk of the House be directed to amend the caption of said bill so as to conform to the body of the bill,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 775, "An Act to amend
Article 199, Title 8, of the Revised
Civil Statutes of 1925, Subdivision
47, as amended by Chapter 7, Acts
of the Fortieth Legislature, 1927, by
amending Sections 4, 5, and 6, of
Chapter 7, Acts of the Fortieth Leg-
islature, page 10, and providing for
the restoration of jurisdiction of civil
business to the District Court of the
Forty-seventh Judicial District, in
Potter County, providing for the per-
petuation of said Forty-seventh Dis-
trict Court, and clothing said Dis-
trict Court with general jurisdiction

of district courts in all of the coun-
ties comprising said Judicial District;
providing for the continuance in of-
fice of the Judge of the One Hundred
and Eighth District Court and of
the Judge and District Attorney of
the said Forty-seventh District Court
during the term for which elected;
providing for a clerk and court re-
porter to handle civil business in said
Court, in Potter County; for trans-
fer of civil business by the respective
Judges of said Courts; to continue
in effect writs, process, bonds, recog-
nizances, orders, decrees, and judg-
ments; fixing the time of taking ef-
fect of this Act; repealing laws in
conflict therewith, and declaring an
emergency,"

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

In Memory of

Mr. C. A. Isbell

Mr. Puryear offered the following resolution:

Whereas, On April 13, A. D. 1933, Mr. C. A. Isbell, of Maypearl, Texas, the beloved brother-in-law of our beloved and Esteemed Member, the Hon. W. A. Few, was called to his eternal reward; and

Whereas, Our deepest and most heartfelt sympathy at this time of bereavement goes out to our distinguished Member and his family; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That we now express to Mr. Few and the family of the deceased our sincere sympathy in this hour of bereavement, and that when the House adjourns today, it do so out of honor and respect to the memory of Mr. Isbell, and that a copy of this resolution be spread upon the Journal of the House, and that copies hereof be forwarded to the Hon. W. A. Few, and to the immediate members of the family of the deceased; and that a suitable floral offering be telegraphed to the home of the deceased, in Maypearl, Texas.

PURYEAR,
GOODMAN,
STOVALL,
JONES of Runnels,
LINDSEY.

The resolution was read second time.

On motion of Mr. Hoskins, the names of all the Members of the House were added to the resolution as signers thereof:

Signed—Stevenson, Speaker; Adamson, Aikin, Alexander, Alsup, Anderson of Bexar, Anderson of Johnson, Baker, Barrett, Barron, Beck, Bedford, Bourne, Bradley, Burns, Butler, Calvert, Camp, Canon, Cathey, Caven, Chastain, Clayton, Colson, Coombes, Cowley, Crossley, Daniel, Davidson, Dean, Devall, Dunagan, Dunlap, Duvall, Dwyer, Engelhard, Fain, Fisher, Ford, Fuchs, Glass, Golson, Good, Graves, Greathouse, Griffith, Haag, Hankamer, Harman, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill of Brazoria, Hill of Webb, Hodges, Holekamp, Holland, Holloway, Hoskins, Huddleston, Hughes, Hunt, Hyder, Jackson, James, Jefferson, Johnson of Dimmit, Johnson of Anderson, Jones of Shelby, Jones of Atascosa, Kayton, Kyle of Palo Pinto, Kyle of Hays, Laird, Latham, Lemens, Leonard, Long, Lotief, Magee, Mackay, Mathis, McClain, McCullough, McDougald, McGregor, McKee, Merritt, Metcalfe, Mitcham, Moffett, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Parkhouse, Patterson, Pavlica, Pope, Ramsey, Ratliff, Ray, Reader, Reed of Bowie, Reed of Dallas, Renfro, Riddle, Roberts, Rogers of Ochiltree, Rogers of Hunt, Rollins, Ross, Russell, Savage, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Sullivant, Tarwater, Tennyson, Thomas, Tillery, Townsend, Turlington, Van Zandt, Vaughan, Wagstaff, Walker, Weinert, Wells, West, Winningham, Wood, Young.

The resolution was then unanimously adopted.

In Memory of Mrs. Celia M. Jones

Mr. Lemens offered the following resolution:

Whereas, On April 11, A. D. 1933, Mrs. Celia M. Jones, of San Antonio, Texas, the beloved sister-in-law of our beloved and esteemed Member, the Hon. Walter E. Jones, was called to her eternal reward; and

Whereas, Our deepest and most heartfelt sympathy at this time of bereavement goes out to our distinguished Member and his family; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That we now express to Mr. Jones our sincere sympathy in this, his hour of bereavement, and that when the House adjourns today, it do so out of honor and respect to the memory of Mrs. Jones, and that a copy of this resolution be spread upon the Journal of the House, and that copies hereof be forwarded to the Hon. Walter E. Jones, and to the Hon. J. D. Jones, husband of the deceased, and brother of our fellow Member, at 217 Pacific Avenue, San Antonio, Texas.

LEMENS,
VAN ZANDT,
HARRIS,
McCLAIN,
WOOD,
MERRITT,
BRADLEY.

The resolution was read second time.

On motion of Mr. Savage, the names of all the Members of the House were added to the resolution as signers thereof:

Signed—Stevenson, Speaker; Adamson, Aikin, Alexander, Alsup, Anderson of Bexar, Anderson of Johnson, Baker, Barrett, Barron, Beck, Bedford, Bourne, Burns, Butler, Calvert, Camp, Canon, Cathey, Caven, Chastain, Clayton, Colson, Coombes, Cowley, Crossley, Daniel, Davidson, Dean, Devall, Dunagan, Dunlap, Duvall, Dwyer, Engelhard, Fain, Few, Fisher, Ford, Fuchs, Glass, Golson, Good, Goodman, Graves, Greathouse, Griffith, Haag, Hankamer, Harman, Harrison, Hartzog, Head, Hester, Hicks, Hill of Brazoria, Hill of Webb, Hodges, Holekamp, Holland, Holloway, Hoskins, Huddleston, Hughes, Hunt, Hyder, Jackson, James, Jefferson, Johnson of Dimmit, Johnson of Anderson, Jones of Runnels, Jones of Shelby, Kayton, Kyle of Palo Pinto, Kyle of Hays, Laird, Latham, Leonard, Lindsey, Long, Lotief, Magee, Mackay, Mathis, McCullough, McDougald, McGregor, McKee, Metcalfe, Mitcham, Moffett, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Parkhouse, Patterson, Pavlica, Pope, Puryear, Ramsey, Ratliff, Ray, Reader, Reed of Bowie, Reed of Dallas, Renfro, Riddle, Roberts, Rogers of Ochiltree, Rogers of Hunt, Rollins, Ross, Russell, Savage, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Stovall, Sullivant, Tarwater, Tennyson, Thomas, Tillery, Townsend, Turlington, Vaughan, Wagstaff, Walker, Weinert, Wells, West, Winningham, Young.

The resolution was then adopted unanimously.